

# Conflicts of Interest Policy

## Section 1 - Objective and Scope

(1) A core responsibility for decision makers at the University of New England (UNE) is to avoid Conflicts of Interest or duty in all decision making. This is to ensure that decisions by UNE Representatives are made with the best interests of the University in mind.

(2) This Policy provides a framework which encourages the consideration, disclosure and appropriate avoidance or management of Conflicts of Interest, and form part of UNE's commitment to integrity and accountability in all activities.

(3) This Policy applies to all UNE Representatives.

(4) Within this Policy:

- a. Part A outlines UNE Representatives responsibilities;
- b. Part B defines requirements for identifying and disclosing potential Conflicts of Interest;
- c. Part C describes how to determine if the interest is material; and
- d. Part D explains actions for managing Conflicts of Interest.

### Part A - Considering and disclosing potential conflicts

(5) UNE Representatives must always behave in an impartial and transparent manner, in accordance with their obligations of good faith and confidentiality.

(6) While perceived, potential, or actual Conflicts of Interest are not uncommon, UNE Representatives and the University have a shared responsibility to ensure they are managed to maintain the integrity of decision making by:

- a. understanding your responsibilities, and identifying potential or actual Conflicts of Interest;
- b. disclosing all potential or actual Conflicts of Interest as soon as possible; and
- c. acting on the advice regarding how you should best avoid or manage any Conflicts of Interest.

#### Table 1. Summary of responsibilities

1. Understand and identify	2. Disclose	3. Act
<p>Understand the responsibilities and activities of your role or position. Consider if you might have any:</p> <ul style="list-style-type: none"> <li>- Financial Interests;</li> <li>- Non-financial Interests such as personal or family relationships;</li> <li>- a conflict of duties between UNE and another organisation that might influence performance of your duties or decision making.</li> </ul>	<p>If there is, or could be, a conflict:</p> <ul style="list-style-type: none"> <li>- make a disclosure as soon as possible through your supervisor and to <a href="mailto:conflictsofinterest@une.edu.au">conflictsofinterest@une.edu.au</a>;</li> <li>- make your disclosure in writing or ask for it to be minuted;</li> <li>- seek advice from the Head Records Policy and Governance if you are unsure of the need for disclosure; and</li> <li>- review and update your Conflicts of Interest regularly.</li> </ul>	<p>A determination will be made by the authorised officer if the interest in question is material, if there is a real or substantial possibility of the potential or perceived Conflicts of Interest actually arising, and regarding management of Conflicts of Interest. Common outcomes are:</p> <ul style="list-style-type: none"> <li>- there is no material interest and no action is required;</li> <li>- there could be a material interest and someone may review your decision or be asked to make the decision; and</li> <li>- you might not be able to participate in the decision.</li> </ul> <p>You are required to act on the advice provided by the authorised officer.</p>

## Part B - Identifying and disclosing potential Conflicts of Interest

### When Conflicts of Interest might arise

(7) Conflicts of Interest may arise in any activity of the University. The following are activities and situations where UNE Representatives may experience Conflicts of Interest:

- a. procurement - tendering and purchasing;
- b. staff recruitment - both formal and informal processes;
- c. secondary employment - both as staff member and as a business associate or owner;
- d. serving as a member or director on boards, committees, advisory groups (or similar bodies) of government, for profit, or not for profit entities;
- e. staff relationships with external contractors;
- f. post separation dealings with former staff;
- g. offer or acceptance of [Gifts and Benefits](#);
- h. supervision of staff and students;
- i. relationships with students;
- j. research activities (including supervision and examination);
- k. consulting; or
- l. use of University information.

### Disclosing Conflicts of Interest

(8) If you consider you may have a potential Conflict of Interest, then you must disclose this in a manner to record the disclosure on the UNE Conflicts of Interest Register. This may be done via:

- a. email to your supervisor, copying in [conflictsofinterest@une.edu.au](mailto:conflictsofinterest@une.edu.au), complete with information relating to the potential Conflicts of Interest;
- b. external parties such as the Independent Commission Against Corruption (ICAC), in relevant circumstances.

(9) If you are aware of a potential Conflict of Interest that another UNE Representative has not disclosed, you should either:

- a. inform the person who has not declared the Conflict of Interest of the obligation for disclosure; or

- b. where you are not able to inform the other person of a potential Conflict of Interest, you should notify and seek advice from Governance via [conflictsofinterest@une.edu.au](mailto:conflictsofinterest@une.edu.au).

(10) UNE Representatives are expected to exercise good judgment, and disclose a potential Conflicts of Interest if in doubt.

### Committee meetings

(11) If Conflicts of Interest relate to the business of a committee, meeting or other group, then the UNE Representative must disclose the conflict either in writing or verbally to the Chair or other person presiding over the group and it must be recorded in the minutes relating to that item of business.

(12) The responsibility for considering the disclosure is the Chair or equivalent and the responsibility for recording the disclosure via [conflictsofinterest@une.edu.au](mailto:conflictsofinterest@une.edu.au) is the Chair or Secretary.

### Council members

(13) Council Members are also required to maintain a register of material interests and make disclosures in meetings consistent with section 5, Schedule 2A of the [University of New England Act 1993 \(NSW\)](#).

## Part C - Determining a material interest and related issues

(14) An 'interest' may be material where a reasonable person would expect that the UNE Representative

- a. has a real and substantial interest (not theoretical, remote, contingent or otherwise insubstantial); and
- b. it has, or appears to have, the capacity to influence the UNE Representative's decision or actions in relation to the matter (if it has done so).

(15) The authorised officer is responsible for deciding if there is a real or substantial possibility of the potential or perceived Conflicts of Interest.

(16) Examples of material interests and a guide for making a determination are provided in Table 2 and 3. These examples are not exhaustive nor conclusive and you must always seek advice from [conflictsofinterest@une.edu.au](mailto:conflictsofinterest@une.edu.au) if you are unsure.

### Financial or Non-Financial Interests

(17) If UNE Representatives directly or indirectly stand to gain an advantage or suffer a disadvantage related to the decision or action, an 'interest' might be Financial or Non-Financial as per Table 2.

**Table 2. Examples of financial or non-financial interests**

Financial Interests	Non-Financial Interests
<p>You have a Financial Interest if the matter being discussed or decided may result in you receiving an actual or potential financial gain. Money does not need to exchange hands for there to be a financial interest.</p>	<p>You have a Non-Financial Interest such as a personal or family relationship, or membership of an external organisation that has the potential to affect your decision-making.</p>

Financial Interests	Non-Financial Interests
<p>Example 1 (Procurement): A company agent promises you a discounted service or gift if you review their bid proposal for a UNE contract.</p> <p>Example 2 (Research): You are asked to examine a research thesis where you could have a commercial interest in the outcomes of the research.</p> <p>Example 3 (Decision): A decision by UNE to build on a UNE property adjacent to a property you or your family own could impact (positively or negatively) the value of your holding and you are asked to help with a paper or business case.</p> <p>Example 4 (Procurement): Your family owns shares in a company bidding for a contract at UNE and you are on the UNE tender committee.</p>	<p>Example 1 (Close associates): You realise you are processing the advanced standing application for a friend of a close personal friend or family member.</p> <p>Example 2 (Research): You are asked to examine a research paper for a candidate with whom you co-authored another paper in the past five years.</p> <p>Example 3 (Decision): You have been mentoring a student who is up for a potential award and you are on the decision panel.</p> <p>Example 4 (Employment): You are on a recruitment selection panel and you have a personal or family relationship with an applicant.</p> <p>Example 5 (Duty): You see there is a UNE proposal on a committee agenda related to a community organisation where you are an official.</p>

**Table 3: A guide to assist to determine if the interest might be material**

Condition	Low likelihood of being material	Medium likelihood of being material	High likelihood of being material
Personal relationship	Not close (distant social acquaintance). Low involvement and/or little or no direct impact.	Know person reasonably well (work or social) but not close personal relationship or family. Some engagement in this matter and possibility of a direct impact.	Personal or family or business / work / research partner relationship. Matter is very important to this person/ high chance of direct impact.
Personal benefit or loss	Low likelihood for personal benefit. Limited opportunity for personal gain (e.g. information or matter might be public).	Some possibility of a perceived or potential personal benefit. Persons could be impacted by this matter or have a use for information.	Reasonable chance that a personal benefit could accrue. The outcome or the information is high stakes for this person.
Summary	Wherever there are medium or high likelihood factors it is more likely the interest is material.		

## Part D - Management of Conflicts of Interest

(18) Conflicts of Interest should be managed to remove the risk that the:

- a. integrity of the decision or action of the UNE Representative will be questioned or challenged as a result of their personal material interest; and
- b. UNE Representative may use information received as part of the decision or action for their personal material interest.

(19) The University will record all declarations of Conflicts of Interest in a centralised Conflicts of Interest Register within UNE's Records Management System (RMS).

(20) The appropriate management of Conflicts of Interest will be based on the type of interest (e.g. financial or non-financial) and the level of risk of the activity. Depending on the situation this may involve:

- a. agreeing there is no further action required apart from the declaration;

- b. removing the UNE Representative from the decision making process;
- c. removing the UNE Representative from duties in matters to which the Conflicts of Interest relates;
- d. the UNE Representative not taking part in debate or discussion and/or voting in committees/panels/boards or other decision making entities, to which the Conflicts of Interest relates;
- e. removing the UNE Representative from any role in the assessment of students;
- f. ensuring there is an independent third party review or oversight of the activity or action;
- g. providing a final report at the completion of the process, stating how the process was completed and how the Conflict of Interest was effectively managed.

(21) UNE Representatives must:

- a. provide an outline of the proposed management solution for the Conflicts of Interest; and
- b. ensure that the plan for managing the Conflicts of Interest is documented and recorded within the Conflicts of Interest Register (by emailing or cc'ing to [conflictsofinterest@une.edu.au](mailto:conflictsofinterest@une.edu.au)).

## Reporting issues relating to Conflicts of Interest

(22) Issues regarding the management of Conflicts of Interest can be raised with the Head Records Policy and Governance.

(23) If Conflicts of Interest are not being reported or managed by UNE, or is considered corrupt conduct, the matter may be referred to external parties such as the Independent Commission Against Corruption (ICAC).

# Section 2 - Authority and Compliance

## Authority

(24) The Vice-Chancellor and Chief Executive Officer makes this Policy in accordance with Section 29 of the UNE Act.

(25) The Director Governance and University Secretary (DGUS) is authorised to provide associated documents to support the operationalisation and administration of this Policy.

## Compliance

(26) UNE Representatives must observe this Policy in relation to Conflicts of Interest. A failure to comply may amount to misconduct, serious misconduct or unsatisfactory performance.

(27) Failure to properly disclose or manage a Conflicts of Interest in accordance with this Policy will not invalidate a decision made or action taken, unless the decision or action is overturned by a person or body with the delegated authority to make the decision.

(28) This Policy operate as and from the Effective Date.

(29) Previous policies in relation to Conflicts of Interest are replaced and have no further operation from the Effective Date.

# Section 3 - Quality Assurance

(30) Assurance regarding the maintenance of the Conflicts of Interest Register will be provided to the Council periodically.



## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	20th February 2023
<b>Review Date</b>	20th February 2025
<b>Approval Authority</b>	Director Governance and University Secretary
<b>Approval Date</b>	15th February 2023
<b>Expiry Date</b>	To Be Advised
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## Glossary Terms and Definitions

**"UNE Representative"** - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

**"Assessment"** - Is the process whereby evaluative judgements are made in relation to a student's achievements against the learning outcomes of a unit of study.

**"Student"** - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

**"UNE Act"** - Is the University of New England Act 1993 (NSW).

**"Conflicts of Interest"** - A UNE Representative will have a conflict of interest where they have a material interest in a decision or matter, and/or their interest appears to raise a conflict with the proper performance of their duties (e.g. avoiding personal losses as well as gaining personal advantage — whether financial or otherwise).

**"Records Management System (RMS)"** - The University of New England installation of HP TRIM, or equivalent replacement system, under the control of the Records Management Office.

**"Effective Date"** - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.