

	Head of School
	Conflict of Interest Policy v 1.1 Effective 9 February 2010
	18 April 2008
	2016/08634

- x Code of Conduct
- x UNSW Statement of Business Ethics
- x Research Code of Conduct
- x UNSW Guidelines for Commercial Activities
- x Employment or Engagement of Services involving Personal or Other Significant Relationships
- x Gifts & Benefits

## 1.1 Purpose

This policy elaborates the requirements relating to Conflict of Interest set out in the UNSW staff Code of Conduct.

## 1.2 Background

The Code of Conduct, which forms part of the contract of every member of staff, sets out the obligation to act appropriately when a conflict arises between a staff member's own self-interest and duty to the University. Where such conflict does or may arise, the issue should be disclosed to an appropriate officer of the University and, wherever feasible, the staff member plays no role in decision-making that might be associated with that issue. When a staff member, whose position or role entails supervisory or management duties, is notified or becomes aware of a conflict or potential conflict of interest, his or her duty is to:

- (i) inform the staff member involved of the provisions of the Code of Conduct as a basis for deciding on an appropriate way to handle the issue; and
- (ii) where appropriate, notify the matter to a more senior colleague for further attention.

## 2. Scope

This policy applies to all persons subject to the UNSW Code of Conduct.

## 3. Definitions

### Conflict of Interest

ICAC has defined conflict of interest in the following terms, based on the OECD

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## 5. Material Conflict of Interest

A conflict of interest is considered to be 'material' if a reasonable disinterested person would take it into account in exercising judgment or making a decision. Only material conflicts of interest (those conflicts of interest of sufficient dimension and significance) are within the scope of this policy.

Factors such as the following can increase the risk that a situation will have inherent potential for conflict of interest and that the conflict of interest will be material:

- x Increasing magnitude of the personal benefit expected
- x Increasing level of leadership or authority
- x Involvement of students or human subjects in an activity
- x When a researcher holds equity in a company which may jeopardise research integrity

## 6. Examples of Conflicts of Interest at Universities

### Academic

- x In academic research, the term 'conflict of interest' refers especially to situations in which financial or other personal considerations may compromise, or may have the appearance of compromising, an investigator's professional judgment in conducting or reporting research. The bias can affect collection, analysis, and interpretation of data, hiring of staff, procurement of materials, sharing of results, choice of protocol, and the use of statistical methods.
- x In the peer review and publication process, a conflict of interest may arise where an author, reviewer, or editor allows personal conviction, financial interests, or personal relationships (of amity or enmity) to influence the work improperly.
- x The supervision of research students presents an environment for potential conflict

- x Conflict of interest may be particularly difficult to identify and manage in work environments characterized by complex commercial relationships, such as where there is a mix of University unit as well as a CRC or other externally funded centre, spin-off companies, and/or UNSW controlled entities.

The following is a partial list of activities or actions that merit case-by-case examination to determine whether they create a material conflict of interest that should either be managed appropriately or eliminated.

- x Consulting
- x Engaging in contract research
- x Purchasing goods or services for the University from businesses in which the member of staff or his or her close associates has a financial interest or benefit
- x Receiving gifts, gratuities, loans, or special favours (including trips or speaker's fees) from research sponsors or vendors
- x Serving as a member or director on boards of directors, committees, advisory groups (or similar bodies) of governmental, for-profit, or not-for-profit entities, including UNSW controlled entities and associated companies
- x Using information received as a University employee for personal purposes
- x Serving on selection and promotions committees
- x Exercising financial delegations
- x Transferring allocations or expenses between accounts
- x Holding of an ownership interest by the member of staff or their close associates in any real or personal property leased or purchased by the University
- x Holding of an equity, royalty, or debt instrument interest by the member of staff or their close associates in an entity providing to the University financial support, including research or other support or services, when such support will benefit the member of staff or persons supervised, directly or indirectly, by them
- x Receiving directly cash, services, or equipment in support of the member of staff's University activities from non-University sources

## 7. Disclosure Review Committee

The Disclosure Review Committee (DRC) is the main body monitoring conflict of interest compliance at UNSW. This committee comprises:

- x the Deputy Vice-Chancellor Research and Vice-President (Chair);
- x a person with legal expertise in a relevant field, nominated by the Dean, Faculty of Law;
- x a person with commercial expertise in a relevant field, nominated by the Dean, Australian School of Business.

An officer from Human Resources will assist the Committee and will normally be in attendance at meetings. The Committee may obtain advice from external or internal independent experts.

Heads of School and Administrative Units are required to report to the DRC on an annual basis about the management of conflict of interest cases in their area.

The responsibilities of the Disclosure Review Committee include:

- (a) Determination of conflict of interest management procedures, where these cannot be agreed between the member of staff and supervisor;
- (b) At least an annual review of the types of disclosures and management strategies used, as reported by Heads of Schools and administrative units, and evaluation of the effectiveness of chosen management strategies;

(c) Review and advice to the Audit Committee of Council in relation to the Policy on Conflict of Interest at least every three years;

(d) Identification of high risk functions or areas, and advice to the Senior Deputy Vice-Chancellor on requirements for monitoring, audit, or staff development; and

(e) Regular advice to the Senior Deputy Vice-Chancellor on matters to be included in induction programs for managers and new staff and other forms of staff development.

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### 13. Failure to avoid Conflict of Interest

Failure to avoid conflicts of interest, or failure to adequately disclose and manage unavoidable conflicts of interest, may result in:

- x resentment amongst staff or students who perceive others to be gaining unfair advantage;
- x University and individual's inability to respond to unfounded accusations of personal benefit;
- x damage to the reputation of the University and the individual;
- x loss of public trust in the University and its research, teaching, services, or management.

Failure to disclose actual or potential conflicts of interest can lead to:

- x misconduct or other disciplinary proceedings against the staff member;
- x action by agencies such as the Audit Office of NSW, ICAC, and Ombudsman,
- x legal action against the University or the individuals concerned.

### 14. Related UNSW Policies

- x UNSW Code of Conduct
- x UNSW Statement of Business Ethics
- x Research Code of Conduct
- x UNSW Guidelines for Commercial Activities
- x Employment or Engagement of Services involving Personal or Other Significant Relationships
- x Gifts and Benefits Procedure
- x Paid Outside Work by Academic Staff
- x Procedure for Making and Handling Public Interest Disclosures
- x Staff Complaint Procedure

## Appendix A: History

Version	Authorised by	Approval Date	Effective Date	Sections modified
1.0	UNSW Council	18 April 2005	18 April 2005	
1.1	Administrative update by Head, Governance Support	9 February 2010	9 February 2010	Section 6, 7, 9, 11 and 14
1.2	Administrative update by Head of Governance	18 February 2016	29 February 2016	Administrative update reflecting changes in senior leadership roles.

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