

# Conflict of Interest Policy

## Section 1 - Purpose

(1) This Policy establishes the expectations of all members of the University community relating to the disclosure and management of conflicts of interest.

(2) It specifies the principles and procedures for transparent identification and management of conflicts of interest, whilst maintaining a culture of honesty, integrity, and trustworthiness.

(3) This Policy is consistent with the expectations of the [Independent Commission Against Corruption \(ICAC\)](#) and the principles of the [Australian Code for the Responsible Conduct of Research, 2018](#).

### Background

(4) A conflict of interest refers to circumstances in which someone's personal interest/s may conflict with their professional obligation. A conflict of interest exists when a reasonable person might perceive that an individual's personal interests (financial or non-financial) could be favoured over their professional obligations.

(5) Potential for conflicts of interest exists in all aspects of University operations including research, teaching, assessment, staffing, administration, procurement, and other commercial activity. It is important that all members of the University community act, and are seen to act, with integrity and are not inappropriately benefited by improperly using their association with the University or acting in any way contrary to public interest.

(6) It is recognised that conflicts of interest can be inherent in the nature of the activities that the University conducts. A conflict of interest in itself may not necessarily be wrong or unethical and cannot always be avoided. What is important is that relevant personal interests are disclosed, and all conflicts of interest are appropriately disclosed, documented and managed.

### Scope

(7) This Policy applies to University representatives being:

- a. staff of the University and its entities, including continuing, fixed-term and casual staff members;
- b. consultants and contractors working for the University;
- c. members of the University governing bodies;
- d. persons holding honorary titles with the University;
- e. volunteers; and
- f. individuals conducting research under the auspices of Macquarie University (including HDR candidates) and bound by the [Macquarie University Code for the Responsible Conduct of Research](#).

## Section 2 - Policy

(8) All University representatives are required to perform their duties with fairness, impartiality, integrity and honesty, and to adhere to University regulations, enterprise agreements, rules, standards, policies and procedures including

Codes of Conduct ([Staff Code of Conduct](#) / [Macquarie University Code for the Responsible Conduct of Research](#)).

(9) All University representatives must:

- a. be proactive in identifying conflicts of interest;
- b. disclose personal interests in accordance with this Policy;
- c. not allow personal interests to affect the way professional obligations are carried out;
- d. promptly and transparently disclose a conflict of interest to their manager / supervisor or other relevant University official as per this Policy; and
- e. in a situation where a conflict of interest has been identified, together with the manager / supervisor or other relevant University official, develop, implement and follow the most appropriate management plan.

(10) In the context of undertaking research, University representatives must also consider potential conflicts of interest in the context of the [Australian Code for the Responsible Conduct of Research, 2018](#), the [Guidelines to Counter Foreign Interference in the Australian University Sector](#), and other related legislation.

## Identification and Disclosure

(11) University representatives must proactively identify and assess their personal interests. For a conflict of interest to arise, there must be an overlap, competition or connection between the University representative's professional obligations and personal interests, which may have, or be perceived to have, an undue influence on the way they perform their professional obligations or may result in disadvantages to the University or other people.

(12) In identifying personal interests that might constitute a conflict of interest, the question is whether a reasonable independent observer would think that the personal interest could conflict or appear to conflict with the individual's professional obligations.

(13) Areas where conflicts of interest commonly arise include, but are not limited to:

- a. personal relationships;
- b. commercial relationships;
- c. decision making for recruitment, selection, and promotion;
- d. conduct of research;
- e. procurement; and
- f. financial spend.

(14) Where there is uncertainty in the identification of a conflict of interest, the University representative must make a disclosure to their manager / supervisor or other relevant University official.

(15) In addition, there are specific requirements for disclosing personal interests (whether they do or do not constitute a conflict of interest) for:

- a. key management personnel; and
- b. for all University representatives in respect to countering foreign interference legislation.

(16) Examples of personal interests and conflicts of interest are provided in [Annexure A - Examples of Conflicts of Interest](#).

## Methods for disclosing personal interests and conflicts of interest

(17) The primary obligation for disclosing a personal interest or a conflict of interest rests with the University

representative who has the personal interest. This does not preclude the University from identifying where a conflict of interest may exist and requiring a management plan.

(18) Personal interests and conflicts of interest must be disclosed promptly and transparently, and a written record of the disclosure must be kept.

(19) The methods for making and recording disclosures are outlined below. In some cases, it is appropriate for a matter to be disclosed in multiple ways.

<p><b>Disclosing personal interests for key management personnel</b></p>	<p>Applies to: the members of the Executive Group; members of the University Council and Committees of Council; and board members of the University's entities</p>	<p>Personal interests must be disclosed to the relevant board secretary in accordance with the process for that board or group: on appointment; annually; or as they arise or change.</p>
<p><b>Disclosing personal interests in respect to affiliations with foreign institutions or governments</b></p>	<p>Applies to: all University representatives</p>	<p>All University representatives must disclose affiliations with foreign institutions and organisations, and any foreign government links. This may include personal income, sponsorship, travel support or research support from a foreign institution or government (refer to <a href="#">Annexure A - Examples of Conflicts of Interest</a> for more examples). Such personal interests must be disclosed via the <a href="#">Conflict of Interest Form</a>: on appointment; annually; or as they arise or change</p>
<p><b>Disclosing conflict of interest in specific process or matter</b></p>	<p>Applies to all University representatives who participate in specific processes, for example: committee membership; recruitment panels; academic promotion panels; grant and award panels; research projects, grant proposals, research dissemination or publication etc.; partnership or contractual negotiations with other entities.</p>	<p>Disclose to the relevant chair, committee or project manager as appropriate prior to the meeting or at the meeting. Conflicts of Interest should be a standing agenda item to ensure transparency in decision making. Document in relevant minutes, reports or other written records of the meeting or process. If appropriate, the management response to the conflict of interest should also be documented (for example, a notation that the individual abstained from voting). Fully disclose and inform others who may be impacted (e.g. stakeholders, research co-investigators, research participants, publishers and journal editors, collaborating institutions or the public). For research processes, conflicts of interest must be transparently disclosed and a record established, which encompasses disclosure and management at the point of proposing research and at multiple points throughout the research process (including for example to: relevant committees, funding bodies, research participants, other team members, editors/publishers, users and/or the public). The <a href="#">Conflict of Interest Form</a> may be used but is not mandatory when other written records of appropriate disclosure and management are kept.</p>
<p><b>Disclosing ongoing conflict of interest</b></p>	<p>Applies to all University representatives. Includes longer-term or ongoing conflicts of interest, or conflicts of interest beyond a specific process or matter.</p>	<p>Disclose in writing to manager/supervisor or other relevant University official (e.g. Chair). Disclose as conflicts of interest arise or change in nature. A <a href="#">Conflict of Interest Form</a> is required to be completed, including a Management Plan. To be recorded on the Conflict of Interest Register.</p>

## Managing a Conflict of Interest

(20) The relevant manager / supervisor or other relevant University official must review the declaration of conflict of interest, determine whether a conflict of interest exists and, if so, prepare a plan for managing it.

## Assess the risk

(21) In developing a plan, the manager / supervisor or other relevant University official should consider the level of risk posed by the conflict of interest. Factors that should be considered when assessing the risk include:

- a. the relevant work area and the type of workplace activity undertaken;
- b. the extent of the individual's involvement and influence;
- c. how much and how easily a personal interest can be favoured;
- d. a deviation from process or probity; and
- e. potential consequences.

## Consider the management options and document a management plan

(22) In managing a conflict of interest, measures that are proportionate to the nature of the conflict must be taken in order to reduce risk to an acceptable level.

(23) For many low-risk, less serious conflicts of interest, disclosure and recording may be the only management strategy required.

(24) For other more substantive conflicts of interest additional, proportionate measures may need to be taken to reduce risk to an acceptable level. Such measures must be documented in a Conflict of Interest Management Plan, as part of the [Conflict of Interest Form](#).

(25) For research-related conflicts of interest, the management plan must address any required disclosure to funding bodies (such as the [Australian Research Council \(ARC\)](#) and [NHMRC](#)), research participants, publishers and journal editors, collaborators and the public.

(26) Recommended management strategies in relation to a conflict of interest include:

Strategy	Description	Examples when it can be used
Record	Record the existence of a Conflict of Interest	All conflicts of interest must be recorded and disclosed to relevant stakeholders (e.g. committee members, research team members or research participants) at a minimum Conflicts of interest should be a standing meeting agenda item to ensure transparency in decision making In a committee setting, a person with a conflict of interest may request that their opinion be presented last to avoid subjectivity in discussion
Restrict	Limiting involvement in the matter	Most useful when a decision can be made using existing arrangements (e.g. committee decisions where an individual can 'step-out' for the discussion and/or decision) Can only be used where the conflict of interest arises periodically
Recruit	Involving another non-conflicted individual in the matter	When a decision cannot be made without the conflicted University representative, then another non-conflicted individual should be involved to ensure transparency in the decision-making process (e.g. peer review of research papers)
Remove	Completely removing the individual from the matter	For ongoing conflicts where restricting or recruiting may not be appropriate (e.g. removal from a project where the main contractor is a related party; removal of an individual from assessment or supervisory duties where a relationship exists with a student)
Relinquish	Relinquishing the personal interest	Where a personal interest may be relinquished (e.g. shareholding)
Resign	Resigning from position within the University	For significant ongoing conflicts of interest, where no other options are available

(27) Assessment and advice on appropriate management strategies can be sought from relevant stakeholders, e.g. Human Resources, General Counsel, Group Risk, Office of the Pro Vice-Chancellor (Research Services), Macquarie Commercialisation, etc.

### **Implement and monitor**

(28) The primary responsibility to adhere to the Conflict of Interest Management Plan rests with the University representative who has a conflict of interest.

(29) Their manager/supervisor (or other relevant University official) also has a role to monitor that the Management Plan is implemented and followed.

(30) This includes monitoring any changes in a conflict of interest (including as a result of changes to professional standards or regulatory developments), and if required, reassessment of the Management Plan.

### **Escalation of issues**

(31) If an issue arises and it cannot be adequately mitigated or resolved by the manager/supervisor (or other relevant University official overseeing the matter), the manager / supervisor must refer the matter to the Chief People Officer, who will triage or manage the matter as appropriate.

(32) For research related conflicts of interest, if the matter cannot be adequately mitigated or resolved by the manager / supervisor (or other relevant University official overseeing the matter), the manager/supervisor must escalate it to the Deputy Vice-Chancellor (Research).

### **Managing privacy**

(33) Conflicts of interest can involve the disclosure of information that may be private in nature, such as details about personal finances and relationships. Personal information arising from any disclosure as required by this Policy will be managed in accordance with the University's [Privacy Policy](#).

## **Roles and Responsibilities**

### **Responsibilities of University Representatives**

(34) University representatives play an important role in identifying and managing conflicts of interest and they must:

- a. ensure that they are aware of their obligations under this Policy (as well as the equivalent policies and procedures of external bodies relevant to their work/role);
- b. conduct themselves in accordance with University regulations, enterprise agreements, rules, standards, policies and procedures including Codes of Conduct ([Student Code of Conduct](#) / [Macquarie University Code for the Responsible Conduct of Research](#));
- c. maintain records of activities that may be relevant to the assessment of whether a conflict of interest exists;
- d. comply with the disclosure of interest policies and procedures of relevant external bodies;
- e. manage or arrange their personal interests as far as reasonably possible to ensure that conflicts of interest can be identified proactively;
- f. disclose personal interests as outlined in this Policy;
- g. identify, disclose, and manage conflicts of interest, in a timely manner, in consultation with their manager/supervisor, or other relevant University official (e.g. Committee Chair), as appropriate;
- h. if they are unable to raise the conflict of interest with their manager/supervisor or other relevant University official due to the nature of the conflict of interest, raise the issue with the Chief People Officer. For research-related conflicts of interest, the issue must be raised with the Deputy Vice-Chancellor (Research); and

- i. develop a Conflict of Interest Management Plan in consultation with their manager / supervisor, or other relevant University official (e.g. Committee Chair) as appropriate, and implement and follow it.

### **Responsibilities of Managers/Supervisors, or other relevant University officials (including Committee Chairs)**

(35) Managers / supervisors, and other relevant University officials (e.g. Committee Chairs) play an important role in encouraging appropriate behaviour to manage conflicts of interest and must:

- a. be aware of the requirements of this Policy (and the equivalent policies and procedures of relevant external bodies);
- b. manage any conflicts of interest disclosed to them in accordance with this Policy and monitor compliance with the disclosure of interest policies and procedures of relevant external bodies;
- c. develop and implement a Conflict of Interest Management Plan in consultation with University representatives, where appropriate;
- d. if they become aware of a conflict of interest that may be significant or require action outside this Policy, raise the issue with the Chief People Officer or Deputy Vice-Chancellor (Research) for research-related matters; and
- e. ensure that all matters are treated confidentially and in accordance with the University's [Privacy Policy](#).

### **Responsibilities of the University**

(36) To ensure that conflicts of interest are identified, disclosed, and managed, the University will:

- a. take steps to provide an environment where individuals are aware of their obligations under this Policy and can disclose personal interests and any conflicts of interest as per this Policy;
- b. promote and support a positive approach to the management of conflicts of interest by building an organisational culture that supports fairness, impartiality, integrity, and honesty through appropriate communication, training, and enforcement activities;
- c. maintain confidentiality in the management of any conflicts of interest as far as reasonable;
- d. ensure that any personal information pertaining to conflicts of interest is collected, stored, used or disclosed in accordance with the University's Privacy Policy; and
- e. provide a sound framework, including policies and procedures, to guide individuals in the exercise of their professional responsibilities to address the risks associated with conflicts of interest.

### **Failure to Identify, Disclose and Manage a Conflict of Interest**

(37) All University representatives are required to comply with this Policy.

(38) Failure to identify, disclose, or manage conflicts of interest or other breaches of this Policy, can lead to:

- a. misconduct or other disciplinary proceedings against the individual as a result of a breach of University regulations, enterprise agreements, rules, standards, policies, and procedures including the Codes of Conduct ([Staff Code of Conduct](#) / [Macquarie University Code for the Responsible Conduct of Research](#));
- b. investigation, assessment and management of the matter in accordance with the [Macquarie University Research Code Complaints, Breaches and Investigation Procedure](#);
- c. disciplinary action, termination of employment, removal of role/duties or any other action in accordance with the applicable industrial instrument and/or contract of employment;
- d. action by agencies such as the [Audit Office of NSW](#), [Independent Commission Against Corruption \(ICAC\)](#), and the [NSW Ombudsman](#);
- e. legal action against the individual or the University; and/or

- f. suspension or cancellation of research or research funding.

## Section 3 - Procedures

(39) Nil.

## Section 4 - Guidelines

(40) Nil.

## Section 5 - Definitions

(41) The following definitions apply for the purpose of this Policy:

- a. Conflict of Interest refers to circumstances in which someone's personal interest(s) may conflict with their professional obligations. A conflict of interest exists when a reasonable person might perceive that a University representative's personal interest(s) could be favoured over or unduly influence their professional obligations.
- b. Personal interest means any interest other than specific professional obligations as a University representative. Personal interest may be personal, familial, other professional or organisational interest, which can bring, or be perceived to bring, financial or non-financial benefits. It may be pecuniary, involving an actual or potential financial gain, or non-pecuniary without any financial element, such as personal academic standing and reputation, or advancing the interests of associated individuals or groups (including friends, relatives, or competitors).
- c. Professional obligations mean obligations, responsibilities or duties performed as a University representative, whether academic, research, or professional. These responsibilities include being aware of and acting within the laws, regulations, enterprise agreements, rules, standards, policies, and procedures that apply to their conduct at the University. It also includes power, authority, duty, or function that is conferred on the individual as a University representative.
- d. University means Macquarie University and its controlled entities.
- e. University representative means staff of the University and its entities, including continuing, fixed-term and casual staff members; consultants and contractors working for the University; members of the University governing bodies; persons holding honorary titles with the University; volunteers; and individuals conducting research under the auspices of Macquarie University (including HDR candidates) and bound by the [Macquarie University Code for the Responsible Conduct of Research](#).

## Status and Details

<b>Status</b>	Current
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<b>Responsible Executive</b>	Nicole Gower Vice-President, Professional Services
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