



UNDERSTANDING CONFLICTS OF INTEREST

A conflict of interest arises when an individual's personal, external or financial interests, or those of a person with whom he or she has a close personal relationship (Conflicted Person), come into conflict with the performance of their duties to the University. A conflict of interest may be actual, perceived or potential, and the benefit may be direct or indirect.

Obligations to declare conflicts as a University employee

The Australian Code for the Responsible Conduct of Research, your University employment contract, the University's Behaviour and Conduct Policy, and project Funding Agreements all require conflicts of interest to be declared and appropriately managed.

There may be situations where a conflict cannot be managed, thus an activity may need to cease to avoid conflict.

You should declare any conflicts of interest as soon as they arise, and establish an accepted management plan to ensure the conflict of interest can be appropriately managed. It is your responsibility to declare any conflicts of interest annually, which can be done as part of your PDR process, and is a question in the PDR form.

Remember to talk to your contact in Research Services about conflicts relating to funded research.

Types of conflicts of interest

- An actual conflict of interest arises when there is a real conflict between your duties to the University and your existing personal, external or financial interests.
- A potential conflict of interest arises where your personal, external or financial interests could come into conflict with your duties to the University in the future.
- A perceived conflict of interest can exist where a third party could form the view that your personal, external or financial interests could improperly influence the performance of your duties to the University, now or in the future.
- Conflict of commitment: A conflict of commitment arises where your personal, external or financial interests are so significant, demanding or organised in such a way that they adversely interfere with the performance of your duties to the University.

Conflicts that may arise specifically as a result of research commercialisation activities

The following are examples of conflicts of interest that may arise specifically due to researcher involvement in research commercialisation activities (including IP development, IP licencing and industry collaborations). Such conflicts should be declared as soon as the conflict arises, and an agreed management plan should be established, to ensure research integrity is maintained

- Researcher or a Conflicted Person holds equity of greater than 5% in a private company, which is related to, has an interest in, or will benefit from their research field
- Researcher or a Conflicted Person is involved in the founding and/or management of a private company or other entity, which is related to, has an interest in, or will benefit from their research field

- Researcher or a Conflicted Person is appointed to the Board of Directors of a private company, which is related to, has an interest in, or will benefit from their research field
- Researcher or a Conflicted Person is entitled to receive a share of income generated by any entity, based on commercialisation of University IP by that entity, in accordance with the University IP policy (e.g. where the researcher was an inventor on IP licensed to an entity, and thus will receive a distribution of any income received from the company, by the)
- Researcher or a Conflicted Person has a beneficial interest (e.g. employment/consultant/equity/revenue share) in a company that is co-located on the University premises, and benefits from access to University resources including personnel and/or equipment

In each of these examples, a conflict arises (whether actual or perceived), as the researcher becomes incentivised to act in the best interests of the company, with which they have an embedded relationship, and which may be in contrast to their obligation to act in the best interest of the University.

Examples of how these scenarios lead to conflicts of interest for the researcher

- **Time management:** incentive to support the company/commercial interests on University time, rather than meet obligations as an employee of the University
- **Publication strategy:** incentive to withhold unfavourable research results from academic publication if it may have a negative impact on researcher's commercial interests. Added incentive to include some biases in academic publications in favour of commercial interests
- **Use of student/staff labour:** incentive to utilise student or other laboratory labour/resources to generate deliverables for the benefit of the company, without adequate funding provided (for which the students/employees will not directly benefit, but researcher may)
- **Integrity of research results:** incentive to produce and/or publish false/misleading research results for the benefit of the researcher's commercial interests.
- **Intellectual property management:** incentive to withhold disclosure of IP developed by research in researcher's capacity as a University employee, and instead have IP leakage, whereby researcher passes University IP to related company, without going through proper University process in relation to IP disclosure, ownership and transfer
- **Funding:** incentive to improperly use funding secured in capacity as a University researcher, to conduct research/activities for the benefit of related company, which is outside the approved purpose of the funding provided
- **Facilities:** incentive to improperly use University facilities without a contract, to conduct research/activities for the benefit of related company
- **Competing contracts:** incentive to contract through the company/commercial interest instead of through the University

Unmanageable conflicts

Where the University will be detrimentally impacted by any activity exemplified above, the conflict may be unmanageable. One of the Researcher, Conflicted Person or the University may need to make a decision to remove the conflict through exiting an activity either with the Company/commercial interest or the University.

If you think you may have a conflict of interest to declare associated with your research commercialisation activities, please declare this as soon as possible, by completion of the key documents below:

- Please complete and submit the Disclosure of A Conflict of Interest Form (Appendix A of the Behaviour and Conduct Policy)
- Please complete and submit the proposed Conflict of Interest Management Plan developed by Innovation & Commercial Partners, in relation to managing financial conflicts of interest (as part of Section H of the Disclosure form)

Useful links in relation to managing conflicts of interest with the University:

1. [Behaviour and Conduct Policy](#)
2. [Conflict of Interest Procedure](#)
3. [Behaviour and Conduct FAQs](#)
4. [Practice of a Discipline Outside the University by Academic Staff Procedure](#)
5. [Outside Work Procedure \(Professional Staff\)](#)
6. [NHMRC Principles of Peer Review](#)
7. [Code of Conduct](#)
8. [Responsible Conduct of Research Policy](#)
9. [Australian Code for the Responsible Conduct of Research](#)