

Conflict of Interest Procedure

IMPLEMENTATION

Aim

To prescribe the process for identifying, disclosing and managing a conflict of interest (actual, potential or perceived) at the University of Adelaide in accordance with the principles of the [Behaviour and Conduct Policy](#).

1 Objectives

- 1.1 To ensure that staff members and titleholders observe the highest standards of behaviour and conduct and avoid any activity or interest that might reflect unfavourably on their own individual integrity and reputation, or upon the integrity and reputation of the University.
- 1.2 To promote a culture where conflicts of interest are properly identified, disclosed and resolved or managed in a transparent, accountable and timely manner.

2 Scope

2.1 Inclusions

This procedure is applicable to:

- staff members; and
- titleholders.

2.2 Exclusions

This procedure is not intended to apply to:

- a staff member in their capacity as a member of the University Council or a Council Committee. The obligations of Council members and the steps they should take to address conflicts of interest are outlined in the University of Adelaide Act 1971, Clause 17.
- a director of a controlled entity of the University of Adelaide.

3 Process: Identify a conflict of interest

Person Responsible		Actions
3.1	Staff Members	<ol style="list-style-type: none"> a) Comply with the Behaviour and Conduct Policy and this procedure. b) Structure your personal, external or financial interests in a way that preserves confidence in your integrity and prevents a conflict of interest arising. c) Avoid situations where your duties to any external entity come into conflict with your duties to the University. d) Identify and acknowledge a conflict of interest. If in doubt as to whether a conflict exists, seek advice from the Head of School/Branch. e) Be aware of additional, current requirements linked to research (if applicable).
	Titleholders	

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3 Process: Identify a conflict of interest (continued)

Person Responsible	Actions
3.2 Head of School/Branch (Any or all of these tasks can be delegated to School/Branch staff, e.g. Manager/Supervisor, however the Head of School/Branch must monitor the tasks on a regular basis to ensure they take place.)	a) Promote and demonstrate a commitment to the Behaviour and Conduct Policy and this procedure by modelling compliance and appropriate behaviour. b) Ensure that all persons in the School/Branch (covered by the scope of this Procedure) clearly understand and comply with the Behaviour and Conduct Policy and this procedure. c) Provide guidance to staff members and titleholders who have queries about conflicts of interest. d) Seek advice from the Area Manager if in doubt as to whether a conflict of interest exists. Where a conflict of interest exists: e) Direct the person concerned to complete a Disclosure of Conflict of Interest Form (Appendix A) immediately. f) Retain completed Conflict of Interest forms in a local register or equivalent within 14 days of receipt, and forward a copy to the Records Management Office for filing on the individual's staff TRIM file. (This includes any gifts as defined.)
3.3 Area Manager	a) Promote and demonstrate a commitment to the Behaviour and Conduct Policy and this procedure by modelling compliance and appropriate behaviour. b) Ensure that all persons in the School/Branch (covered by the scope of this procedure) clearly understand and comply with the Behaviour and Conduct Policy and this procedure. c) Provide guidance to Heads of School/Branch and staff concerning conflicts of interest. d) Seek advice concerning a personal conflict of interest from the senior manager to whom you report.
3.4 Staff Members Titleholders Head of School/Branch Area Manager	a) Do not take any part in an academic or administrative decision-making process involving a student who is a relative or with whom you have (or have recently had) a close personal relationship including, but not limited to, the following: <ul style="list-style-type: none"> • selection for entry to University • selection for any undergraduate or postgraduate program offered by the University • assessment procedures • classification for honours • selection for any scholarship or prize • honours or postgraduate supervision. b) Follow the disclosure process outlined in Clause 4 of this procedure when you become aware of the possibility that you might, if not for this procedure, be involved in an academic or administrative decision-making process involving a student who is a relative or with whom you have (or have recently had) a close personal relationship.

Continued

3 Process: Identify a conflict of interest (continued)

Person Responsible	Actions
3.4 Staff Members Titleholders Head of School/Branch Area Manager (Continued)	c) Do not take part in formal employment or academic assessment processes involving a staff member (or potential staff member) who is a relative or with whom you have (or have recently had) a close personal relationship including, but not limited to, the following: <ul style="list-style-type: none"> • recruitment and appointment • tenure • promotion • reclassification • termination • staff development opportunities • conditions of service • Planning, Development and Review • research grant assessment.

4 Process: Disclose a conflict of interest

Person Responsible	Actions
4.1 Staff Members Titleholders	a) Immediately disclose any conflict of interest (or any change to an existing disclosed conflict of interest) to the Head of School/Branch (through a Supervisor if applicable) using the Disclosure of Conflict of Interest Form (Appendix A) and propose a conflict management plan (Appendix A section H). b) Avoid any related discussions or decision-making forums that would entitle you, or anyone in a close personal relationship with you, to receive benefits. c) Be aware of and comply with the additional responsibilities that researchers have under the Australian Code for Responsible Conduct of Research (if applicable). d) Be aware of and comply with the separate requirements of external funding bodies for the disclosure of conflicts of interest (if applicable). Note that contract research, consulting and commercialisation activities may also be a source of potential conflicts of interest and that ARI must be notified in such circumstances using the Disclosure of Conflict of Interest Form. (See definitions section for what constitutes a conflict of interest.)
4.2 Head of School/Branch Area Manager	a) Immediately disclose any conflict of interest to the Area Manager to whom you report using the Disclosure of Conflict of Interest Form (Appendix A) and propose a conflict management plan (Appendix A section H). b) Avoid any related discussions or decision-making forums that might entitle you, or anyone in a close personal relationship with you, to receive benefits.

5 Process: Evaluate and manage a conflict of interest excluding those that relate to research

Person Responsible	Actions
5.1 Head of School/Branch	<ul style="list-style-type: none"> a) Review the Disclosure of Conflict of Interest Form (Appendix A) and the proposed conflict management plan (Appendix A section H). Evaluate the nature of the conflict and assess the materiality of the interest. b) Approve, if appropriate, a conflict management plan in consultation with the parties involved. c) Consult with the relevant Area Manager if the parties involved cannot reach agreement on a conflict management plan.
5.2 Area Manager	<ul style="list-style-type: none"> a) Provide advice and direction on how a conflict of interest should be managed when guidance is sought by a Head of School/Branch. b) Approve, if appropriate, instances where a conflicted staff member or titleholder continues to be involved in an activity that materially affects the University's business or other interests.
5.3 Head of School/Branch	<ul style="list-style-type: none"> a) Ensure the Disclosure of Conflict of Interest Form and the conflict management plan are signed by all parties and placed on the staff member's or titleholder's TRIM file. b) Review the conflict management plan at least annually at the time of a Planning Development Review or on an as needs basis.
5.4 Staff Members Titleholders	<ul style="list-style-type: none"> a) Comply with the approved conflict management plan.

6 Process: Evaluate and manage a conflict of interest that relates to research

Person Responsible	Actions
6.1 Head of School/Branch	<ul style="list-style-type: none"> a) Review the Disclosure of Conflict of Interest Form and the proposed conflict management plan. Evaluate the nature of the conflict and assess the materiality of the interest giving consideration to the requirements of the Australian Code for the Responsible Conduct of Research. Consult with the relevant Area Manager for guidance where necessary. b) Endorse, if appropriate, the Disclosure of Conflict of Interest Form and the conflict management plan and forward all documentation to the Deputy Vice-Chancellor (Research) through the Area Manager.
6.2 Area Manager	<ul style="list-style-type: none"> a) Provide advice and direction on how a conflict of interest should be managed when guidance is sought by a Head of School/Branch. b) Endorse, if appropriate, the Disclosure of Conflict of Interest Form and the conflict management plan and forward them to the Deputy Vice-Chancellor (Research) for consideration and approval.

6 Process: Evaluate and manage a conflict of interest that relates to research (Continued)

Person Responsible		Actions
6.3	Deputy Vice-Chancellor and Vice-President (Research)	a) Approve, if appropriate, the Disclosure of Conflict of Interest Form (Appendix A) and the conflict management plan (when it relates to the conduct of research associated with the University).
6.4	Head of School/Branch	a) Ensure the Disclosure of Conflict of Interest Form (Appendix A) and the conflict management plan are signed by all parties and placed on the staff member's or titleholder's file. b) Notify the disclosed conflict of interest to any external funding bodies that are party to the research in line with their requirements. c) Notify the disclosed conflict of interest to ARI where it relates to contract research, consulting or commercialisation activities. d) Review the conflict management plan annually at the time of a performance review or on an as needs basis.
6.5	Staff Members Titleholders	a) Comply with the approved conflict management plan.

7 Process: Annual declaration

Person Responsible		Actions
7.1	Staff Members Titleholders Head of School/Branch Area Manager	a) Formally report any personal, external or financial interests, including gifts, that have the potential to create a conflict of interest to your supervisor at the same time as an annual Planning Development and Review (PDR) meeting is undertaken (staff members) or at the beginning of each calendar year (titleholders). Note that the annual declaration process does not detract from your obligation to report a conflict of interest that may arise in the course of the year.
7.2	Head of School/Branch	a) Implement independent monitoring of the Conflict of Interest forms register or equivalent to confirm that no inappropriate gifts or benefits have been accepted.

8 Process: Privacy

Person Responsible		Actions
8.1	Staff Members Titleholders Head of School/Branch Area Manager	a) Apply the University's Privacy Policy to any personal information collected under this procedure.

9 Process: Consequences for breaching this procedure

Person Responsible	Actions
9.1 Staff Members Titleholders Head of School/Branch Area Manager	Note: a) 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. b) The University may take disciplinary action in accordance with: <ul style="list-style-type: none"> • The University of Adelaide Enterprise Agreement, (as amended) (Staff members) • Conferral of Honorary Roles Policy and Guidelines (Titleholders)
9.2 Vice-Chancellor and President	a) Remove a staff member, who is not also a Council member, from a University Committee, where they fail or refuse to comply with this procedure.

10 Definitions

Area Manager

Under the University of Adelaide Enterprise Agreement (as amended), Area Manager means Deputy Vice-Chancellors, Vice-President(s), Pro Vice-Chancellors, Executive Deans, Director Human Resources (and a person acting in these positions) and Institute Directors.

Benefit

A benefit includes but is not limited to:

- influence on decisions affecting people with whom there is a close personal relationship
- director's fees, shares, share options, equity holdings or other forms of securities in companies,
- gifts, other financial benefits and personal favours
(Note - where the value of the gift or benefit exceeds \$250, the individual must disclose the gift or benefit to their manager/supervisor (for staff) or University contact person (for affiliates). All gifts or benefits over \$500 must be disclosed and approved using a Conflict of Interest Form.
See [Information Sheet \(FAQs\)](#) for examples of gifts; the types of gifts that should not be accepted; and the information that should be captured on the register.)
- 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.

Close personal relationship

A close personal relationship means a relationship between a member of the University community and a family relative, a financially dependent person, a close friend, a de facto partner or any person with whom there is currently, or has been an intimate relationship. This does not include a working relationship which exists due to ordinary collegiate academic collaboration, where the colleagues are not relatives, financially dependent, or de facto or intimate partners.

Conflict 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, come into conflict with the performance of their duties to the University. A conflict of interest may be actual, perceived or potential.

An **actual conflict of interest** arises when there is a real conflict between an individual's duties to the University and their existing personal, external or financial interests.

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10 Definitions (Continued)

Conflict of interest (Continued)

A **potential conflict of interest** arises where an individual has personal, external or financial interests that could come into conflict with the performance of their duties to the University in the future.

A **perceived conflict of interest** can exist where a third party could form the view that an individual's personal, external or financial interests could improperly influence the performance of their duties to the University, now or in the future.

Conflict of commitment

A conflict of commitment arises where the personal, external or financial interests of an individual are so significant, demanding or organised in such a way that they adversely interfere with the performance of their duties to the University.

Council

The governing body of the University that is constituted under the University of Adelaide Act 1971.

Family

A relative by blood, marriage, adoption, fostering, traditional kinship or a person in a bona fide domestic, de facto or household relationship; and a child, parent, grandparent, grandchild or sibling of a de facto partner.

Material conflict of interest

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

Research

'Original investigation undertaken to gain knowledge, understanding and insight' as defined in the Australian Code for the Responsible Conduct of Research.

Spin-off company

An independent company or organisation created by the sale or distribution of new shares of an existing business or division of a parent company to commercially advance a research generated idea.

Staff member

A person employed by the University of Adelaide.

Titleholder

A person who is not a member of academic staff and who has been awarded a title by the University of Adelaide under the Conferral of Academic Roles Policy (as amended).

11 Useful information and resources

11.1	University related documents and policies Conflict of Interest Information Sheet The University of Adelaide Enterprise Agreement (as amended) Code of Conduct Responsible Conduct of Research Policy Procedure for Managing Complaints of Research Misconduct/Serious Misconduct and Breaches of the Code for the Responsible Conduct of Research Privacy Policy
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11 Useful information and resources (Continued)

11.2	Related legislation Not applicable
11.3	Useful Web-links Australian Code for the Responsible Conduct of Research

DISCLOSURE OF A CONFLICT OF INTEREST FORM

This form must be completed by a staff member or titleholder who has an actual, potential or perceived conflict of interest.
Refer to the Conflict of Interest Procedure and Information Sheet for further information.

STAFF MEMBER DETAILS (PLEASE USE BLOCK CAPITALS)

Staff ID number		Position title	
Surname		Given names	
School/Branch		Work contact number	

TO COMPLETE THIS PROCEDURE

- 1 Complete Parts A to G of the Disclosure Statement and provide it to your supervisor as soon as possible personally or by email.
- 2 Provide any information required to properly assess the materiality of the conflict.
3. On receipt of the Disclosure Statement your supervisor will discuss it with you and propose an appropriate plan for managing the conflict of interest, which should be recorded in Part F of the Disclosure Statement.
4. The completed Disclosure Statement should be forwarded to the Head of School/Branch for approval.
5. Your Head of School/Branch will arrange for the completed disclosure Statement to be stored confidentially on your file.

DISCLOSURE STATEMENT (if required, attach additional pages)

A	I am declaring a conflict of interest which is
	<input type="checkbox"/> Actual <input type="checkbox"/> Potential <input type="checkbox"/> Perceived
B	Describe the nature of the conflict of interest
C	Describe how this conflict might influence or be seen to influence you.
D	Outline how you propose to manage this conflict
E	Clinical trials: Are you conducting a clinical trial which is sponsored by any person or organisation with a significant interest in the results of the trial?
	<input type="checkbox"/> Yes (provide details) <input type="checkbox"/> No

DISCLOSURE OF A CONFLICT OF INTEREST FORM

DISCLOSURE STATEMENT (If required, attach additional pages)

F	Sponsored Research: Are you conducting research that is sponsored by any person or organisation with a significant interest in the results of the research?
	<input type="checkbox"/> Yes (provide details) <input type="checkbox"/> No
G	Externally funded research, publications or consultants: Have you declared this conflict of interest to the responsible officer of the relevant third party or external entity?
	<input type="checkbox"/> Yes (provide details) <input type="checkbox"/> No (Provide an explanation)
H	The conflict of interest will be managed, mitigated or eliminated by:
	<input type="checkbox"/> Disclosing the conflict of interest to a relevant external entity, which will manage the conflict.
	<input type="checkbox"/> Putting in place the following Conflict Management Plan

DISCLOSURE OF A CONFLICT OF INTEREST FORM

CERTIFICATION BY STAFF MEMBER OR TITLEHOLDER

I, (print full name) _____ have disclosed in this statement all relevant information to the conflict of interest described in B above and hereby agree to:

- ☐ Update this disclosure on an annual basis or until such time as the conflict ceases to exist; and
☐ Comply with any conditions or restrictions imposed by the University to manage, mitigate or eliminate any actual, potential or perceived conflict of interest.

Signature _____ Date / /

ENDORSEMENT BY SUPERVISOR (IF APPLICABLE)

I, (print full name) _____ have discussed this Disclosure Statement with the staff member or titleholder concerned and endorse the conflict management plan outlined at H.

Signature _____ Date / /

APPROVAL BY HEAD OF SCHOOL/BRANCH

I, (print full name) _____ have reviewed the Disclosure Statement and conflict management plan outlined at H and **(delete as appropriate)**:

- ☐ Believe that the conflict management plan outlined at H will adequately manage, mitigate or eliminate the conflict of interest and will continue to monitor the situation.
☐ Cannot adequately resolve the conflict of interest with the staff member or titleholder concerned and have referred the matter to the Area Manager for advice and direction on how the conflict should be managed.
☐ Have referred the conflict of interest to the Deputy Vice-Chancellor (Research) as it relates to research associated with the University.

Signature _____ Date / /

APPROVAL BY AREA MANAGER

I, (print full name) _____ have reviewed the Disclosure Statement and conflict management plan outlined at H and have taken the following action in relation to this matter:

Signature _____ Date / /

APPROVAL BY THE DEPUTY VICE-CHANCELLOR AND VICE-PRESIDENT (RESEARCH) (FOR RESEARCH CASES ONLY)

I, (print full name) _____ have reviewed the Disclosure Statement and conflict management plan outlined at H and have taken the following action in relation to this matter:

Signature _____ Date / /

This Disclosure Statement must be stored confidentially on the staff member's or titleholder's TRIM file, in accordance with the University's [Privacy Policy](#). (Contact Records Management Office for assistance)

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