

CONFLICT OF INTEREST PROCEDURE

Table of Contents

- 1. Overview**
- 2. Scope and Application**
- 3. Principles**
- 4. Procedures**
 - 4.1. Identify a conflict of interest
 - Staff and Titleholders
 - Head of School or Branch
 - 4.2. Where a conflict of interest exists
 - Head of School or Branch
 - Area Managers
 - Staff and Titleholders
 - 4.3. Disclosure
 - Staff and Titleholders
 - 4.4. Evaluation, notification and management of conflicts of interest
 - Head of School/Branch
 - Area Manager
 - The HR Advisor
 - The Deputy Vice-Chancellor and Vice-President (Research)
 - 4.5. Annual Declaration
 - 4.6 Privacy
 - 4.7 Consequences of Breaches to this Procedure
- 5. Definitions**
- 6. Useful Information and Resources**
 - 6.1 University Related Documents and Policies

1. Overview

- 1.1. This procedure prescribes the process for identifying, reporting and managing conflicts of interest (actual, potential or perceived) at the University of Adelaide in conjunction with the [Code of Conduct](#), [Behaviour and Conduct Policy](#) and the [Fraud and Corruption Control Policy](#).
- 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.

Behaviour and Conduct Handbook	Conflict of Interest Procedure	Effective Date:	13 July 2018	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	6 November 2017	Page 1 of 8
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

2. Scope and Application

- 2.1. This procedure applies to all staff members and Titleholders. It does not 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.

3. Principles

- 3.1. All staff and Titleholders are expected to comply with the [Behaviour and Conduct Policy](#) and this procedure.
- 3.2. Staff must structure their personal, external or financial interests in a way that preserves confidence in their integrity and prevents conflicts of interest arising. In particular staff and Titleholders should avoid situations where their duties to any external entity come into conflict with their duties to the University.
- 3.3. Close personal relationships between staff members, between staff and their supervisors and between staff and their students may create an actual, perceived or potential conflict of interest.
- 3.4. Contract research, consulting and commercialisation activities may be a source of potential conflicts of interest and must be disclosed and the Division of Research Business Partnerships notified.

4. Procedures

4.1. Identify a conflict of interest

Staff and Titleholders

- 4.1.1. Identify and acknowledge any conflict of interest. If in doubt as to whether a conflict exists, seek advice from the Head of School/Branch.
- 4.1.2. Maintain awareness of any additional, current requirements linked to research (if applicable).

Head of School or Branch

- 4.1.3. Promote and demonstrate a commitment to the [Code of Conduct](#), [Behaviour and Conduct Policy](#), [Fraud and Corruption Control Policy](#) and this procedure by modelling compliance and appropriate behaviour.
- 4.1.4. Ensure that all staff and Titleholders clearly understand and comply with the [Code of Conduct](#), [Behaviour and Conduct Policy](#), the [Fraud and Corruption Control Policy](#) and this procedure.
- 4.1.5. Provide guidance to staff members and Titleholders who have queries about conflicts of interest, seeking advice from the Area Manager, if in doubt as to whether a conflict of interest exists.

4.2. Where a conflict of interest exists

Head of School or Branch

- 4.2.1. Direct the staff member/titleholder concerned to complete a disclosure of conflict of interest form immediately.
- 4.2.2. Report the conflict of interest to your [HR Advisor](#) and seek additional advice as required.
- 4.2.3. If you suspect or detect fraud or corruption, refer to the [Fraud and Corruption Control Policy](#).

Authorised by	Conflict of Interest Procedure	Effective Date:	13 July 2018	Version 2.0
	Chief Operating Officer	Review Date:	6 November 2017	Page 2/8
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

- 4.2.4. Retain the completed Conflict of Interest forms in a local register or equivalent and save a copy to the individual staff members' HPRM file (this includes any gifts as defined).

Area Managers

- 4.2.5. Promote and demonstrate a commitment to the [Code of Conduct](#), [Behaviour and Conduct Policy](#), [Fraud and Corruption Control Policy](#) and this procedure by modelling compliance and appropriate behaviour.
- 4.2.6. Ensure that all staff and Titleholders clearly understand and comply with the [Code of Conduct](#), [Behaviour and Conduct Policy](#), [Fraud and Corruption Control Policy](#) and this procedure.
- 4.2.7. Provide guidance to Heads of School/Branch and staff in relation to the disclosure, reporting and management of conflicts of interest.
- 4.2.8. Discuss any impacts and seek advice concerning any personal conflict of interest from the senior manager to whom you report, and/or your school/branch [HR Advisor](#).
- 4.2.9. If you suspect or detect fraud or corruption, refer to the [Fraud and Corruption Control Policy](#).

Staff and Titleholders

- 4.2.10. Staff and Titleholders are required to follow the process for disclosure (4.7) when they become aware that they may be involved in an academic or administrative decision-making process involving a student or staff member who is a relative or with whom they have or have had a close personal relationship.
- 4.2.11. In particular, staff must not take part in employment or academic assessment processes involving a staff member (or potential staff member) who is a relative or with whom they have (or have had) a close personal relationship, including, but not limited to:
- 4.2.11.1. Recruitment and appointment
 - 4.2.11.2. Tenure
 - 4.2.11.3. Promotion
 - 4.2.11.4. Reclassification
 - 4.2.11.5. Termination
 - 4.2.11.6. Staff development opportunities
 - 4.2.11.7. Conditions of service
 - 4.2.11.8. Planning, Development and Review (PDR)
 - 4.2.11.9. Research grant assessment
- 4.2.12. Staff and Titleholders must not take part in an academic or administrative decision-making process involving a student who is a relative or with whom they have (or have had) a close personal relationship, including, but not limited to:
- 4.2.12.1. Selection for entry to the University
 - 4.2.12.2. Selection for any undergraduate or postgraduate program offered by the University
 - 4.2.12.3. Assessment procedures
 - 4.2.12.4. Classification for honours
 - 4.2.12.5. Selection for any scholarship or prize
 - 4.2.12.6. Honours or postgraduate supervision

4.3. Disclosure

Staff and Titleholders

- 4.3.1. Staff and Titleholders, must not enter into discussions or decision-making forums for which they, or a person with whom they have a close personal relationship, would receive a material benefit.
- 4.3.2. They should remain aware of and comply with the additional responsibilities that researches have under the Australian Code for Responsible Conduct of Research (where applicable).
- 4.3.3. Staff and Titleholders, who suspect or detect fraud or corruption, should refer to the [Fraud and Corruption Control Policy](#) for reporting procedures.
- 4.3.4. Staff and Titleholders must immediately disclose any actual, perceived or potential conflict of interest (or any change to an existing disclosed conflict of interest) to the Head of School/Branch using the [disclosure of conflict of interest form](#) and propose a conflict management plan. Staff who enter into an agreed conflict management plan, must comply fully with the approved plan.
- 4.3.5. If the Head of School/Branch identifies a conflict of interest, they must immediately disclose the conflict of interest to their Area Manager and propose a conflict management plan.

4.4. Evaluation, notification and management of conflicts of interest

Head of School/Branch

- 4.4.1. The Head of School/Branch, has responsibility for the review the [disclosure of conflict of interest form](#) and the proposed conflict management plan for staff in their School/Branch. They must evaluate the nature and assess the materiality of the conflict and interest and give consideration to the requirements of the [Australian Code for the Responsible Conduct of Research](#), seeking guidance from the Area Manager (as and when required).
- 4.4.2. They should contact their [HR Advisor](#) to report, discuss and seek advice in managing the conflict of interest. If appropriate they may approve a conflict management plan in consultation with the parties involved, consulting with the Area Manager if the parties involved cannot reach agreement on a conflict management plan.
- 4.4.3. Ensure that the disclosure of conflict of interest form and the conflict management plan are signed by all parties and placed into the staff member's or titleholder's HPRM file. If the conflict of interest relates to a close personal relationship between staff, forward a copy to the School/Branch [HR Advisor](#).
- 4.4.4. If the conflict of interest relates to research, endorse the disclosure of conflict of interest form and the conflict management plan and forward the documentation to the Deputy Vice-Chancellor (Research) through the Area Manager and notify any external funding bodies (party to the research) of the disclosed conflict of interest
- 4.4.5. If the conflict of interest relates to contract research or consulting, notify University of Adelaide - Research and Business Partnerships, if the conflict of interest relates to commercialisation activities, notify University of Adelaide Enterprise.
- 4.4.6. The Head of School/Branch has a responsibility to review the conflict management plan at least once every 12 months at the time of the Planning and Development Review (PDR) meeting or on an as needs basis.

Authorised by	Conflict of Interest Procedure	Effective Date:	13 July 2018	Version 2.0
	Chief Operating Officer	Review Date:	6 November 2017	Page 4/8
Warning This process is uncontrolled when printed. The current version of this document is available on the HR Website.				

Area Manager

- 4.4.7. The Area Manager will provide advice and direction to the Head of School/Branch on managing conflicts of interest. If additional support or advice is required, and for reporting conflicts of interest relating to close personal relationships, contact the School/Branch [HR Advisor](#).
- 4.4.8. The Area Manager will review and endorse, if appropriate, staff and titleholder activities that materially affect the University's business or other interests, and will endorse the disclosure of conflict of interest form for any research related conflicts, forwarding them to the Deputy Vice-Chancellor (Research) for consideration and approval.
- 4.4.9. If Fraud is suspected or detected, refer to the [Fraud and Corruption Control Policy](#).

The HR Advisor

- 4.4.10. The HR Advisor, will provide advice and support to Heads of School/Branch in managing conflicts of interest, and must be notified of any conflict of interest resulting from personal relationships between staff who work together or in a direct reporting capacity.
- 4.4.11. The HR Advisor will save a copy of the disclosure of conflict of interest form and conflict management plan to the staff members HPRM File.

The Deputy Vice-Chancellor and Vice-President (Research)

- 4.4.12 Approves, if appropriate, the disclosure of conflict of interest form and the conflict management plan relating to the conduct of research associated with the University.

4.5. Annual Declaration

All staff are required to report any personal, external or financial interests including gifts that have the potential to create a conflict of interest to their supervisor at the same time as an annual Planning, Development and Review (PDR) meeting is undertaken. Titleholders should complete the declaration at the beginning of the calendar year.

The Head of School/Branch should implement independent monitoring of the Conflict of Interest forms register or equivalent to confirm that no inappropriate gifts or benefits have been accepted.

4.6 Privacy

All staff should apply the University's [Privacy Policy](#) to any personal information collected under this procedure.

4.7 Consequences of Breaches to this Procedure

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.

The University may take disciplinary action in accordance with The University of Adelaide Enterprise Agreement (as amended) (staff), or the Conferral of Honorary Roles Policy and Guidelines (Titleholders).

The Vice-Chancellor and President has the right to 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.

5. Definitions

Area Manager

Authorised by	Conflict of Interest Procedure	Effective Date:	13 July 2018	Version 2.0
	Chief Operating Officer	Review Date:	6 November 2017	Page 5/8
Warning This process is uncontrolled when printed. The current version of this document is available on the HR Website.				

Area Manager means Deputy Vice-Chancellors, Vice-President(s), Pro Vice-Chancellors, Executive Deans, Director Human Resources, Chief Executive of External Relations (and a person acting in these positions) and Institute Directors.

Benefit

A benefit includes but is not limited to:

- Influence on decisions affecting staff and students 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
- 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.

(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 (Titleholders).)

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.)

Close personal relationship

A close personal relationship means a relationship between a member of the University community and a relative, a financially dependent person, a close friend, a de facto partner, or any person with whom there is currently, or has been a marital, familial, sexual, romantic or intimate relationship.

This does not include a working relationship which exists due to ordinary collegiate and academic collaboration, where the colleagues are not relatives, close personal friends, financially dependent, or de facto or intimate partners.

If the close personal relationship is with a student for whom you have, or have had responsibility or a staff member with whom you work and/or for whom you have supervisory responsibility it will create a conflict of interest.

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.

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

Conflict of Interest Procedure		Effective Date:	13 July 2018	Version 2.0
Authorised by	Chief Operating Officer	Review Date:	6 November 2017	Page 6/8
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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.

Materiality of the 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](#).

Staff member

Means a person employed by the University of Adelaide.

Supervisor

Means the person who is responsible for the day-to-day supervision of a staff member, as nominated by the University.

Titleholder

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

University Council

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

6. Useful Information and Resources

6.1 University Related Documents and Policies

[Fraud and Corruption Control Policy](#)

[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](#)

6.2 Related Legislation

[Age Discrimination Act 2004 \(Cth\)](#)

[Disability Discrimination Act 1992 \(Cth\)](#)

[Equal Opportunity Act 1984 \(SA\)](#)

Authorised by	Conflict of Interest Procedure	Effective Date:	13 July 2018	Version 2.0
	Chief Operating Officer	Review Date:	6 November 2017	Page 7/8
Warning This process is uncontrolled when printed. The current version of this document is available on the HR Website.				

[Fair Work Act 2009 \(Cth\)](#)

[Australian Human Rights Commission Act 1986 \(Cth\)](#)

[Racial Discrimination Act 1975 \(Cth\)](#)

[Racial Vilification Act 1996 \(SA\)](#)

[Sex Discrimination Act 1984 \(Cth\)](#)

[Work Health and Safety Act 2012 \(SA\)](#)

[Work Health and Safety Regulations 2012 \(SA\)](#)

[Independent Commissioner Against Corruption Act 2012 \(SA\)](#)

	Conflict of Interest Procedure	Effective Date:	13 July 2018	Version 2.0
Authorised by	Chief Operating Officer	Review Date:	6 November 2017	Page 8/8
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			