

## Conflict of Interest Policy

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<b>Document URL</b>	<a href="http://policies.griffith.edu.au/pdf/Conflict%20of%20Interest%20Policy.pdf">http://policies.griffith.edu.au/pdf/Conflict of Interest Policy.pdf</a>
<b>TRIM document</b>	2017/0000444
<b>Description</b>	This policy provides guidance for staff in the appropriate management of actual, potential and perceived conflicts of interest.

### Related documents

[Code of Conduct](#)  
[Guide to Responsible Conduct of Commercialisation Activities](#)  
[Fringe Benefits Tax Guidelines](#)  
[Individual Grievance Resolution Procedure](#)  
[Recruitment and Selection Procedures](#)  
[Personal Relationships in the Workplace](#)  
[Public Interest Disclosure Policy](#)  
[Conflict of Interest Disclosure Statement](#)  
[Consultancy and Commercial Research Policy](#)  
[Gifts and Benefits Policy](#)  
[Griffith University Academic Staff Enterprise Agreement](#)  
[Griffith University General Staff Enterprise Agreement](#)  
[Griffith University Code for the Responsible Conduct of Research](#)  
[Griffith University Human Research Ethics Manual](#)  
[Intellectual Property Policy](#)  
[Philanthropy and Fundraising Policy](#)  
[Private Practice Policy](#)  
[Schedule A – Griffith University Information Security Policy – Access and Asset Security Standards and Operational Guidelines](#)  
[Schedule B – Griffith University Information Security Policy – Information Security Roles and Responsibilities](#)

### External Links:

[Australian Code for the Responsible Conduct of Research](#)  
[National Statement on Ethical Conduct in Human Research](#)  
[Integrity Act 2009](#)  
[Public Sector Ethics Act 1994](#)  
[Crime and Corruption Act 2001](#)  
[Griffith University Act 1998](#)  
[Crime and Corruption Commission](#)

[\[Preamble\]](#) [\[General Expectations\]](#) [\[Scope\]](#) [\[Definitions\]](#) [\[Roles and Responsibilities\]](#) [\[Key Test for Identifying Conflicts of Interest\]](#) [\[Disclosing Conflicts of Interest\]](#) [\[Managing Conflicts of Interest\]](#) [\[Monitoring Conflicts of Interest\]](#) [\[Failure to Disclose a Conflict of Interest\]](#) [\[Privacy and Confidentiality\]](#) [\[Public Interest Disclosures\]](#) [\[Examples of Conflict of Interest Situations\]](#)

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## 1. PREAMBLE

The NSW Independent Commission Against Corruption (ICAC) guidelines on Conflict of Interest state 'there is nothing unusual or necessarily wrong in having a conflict of interest. How it is dealt with is the important thing'.

While conflicts of interest are not wrong in themselves, and indeed cannot always be avoided, the potential for conflict of interest exists in all aspects of University operations, including research, teaching, assessment, staffing, administration, and commercial activity. With increasing links between the University and other organisations, companies and institutions, it is important that staff act and are seen to act with integrity and are not inappropriately benefited by improperly using their position in the University.

The most effective means to address conflicts of interest is to establish a system under which members of staff are required to disclose and obtain evaluation of any conflict of interest.

The purpose of this policy is to outline such a system – the University's principles and procedures for the identification and management of actual, potential or perceived conflicts of interest – and to assist staff in addressing conflict of interest issues.

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## 2. GENERAL EXPECTATIONS

The University has a responsibility to ensure that its official activities and those of its staff conform to acceptable standards of integrity and good conduct. It recognises that a well-established system for identifying, disclosing and managing conflicts of interest increases its public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes. The University also recognises that conflicts of interest are not unusual in the exercise of public responsibility, and cannot always be avoided.

The University expects:

- all staff members to act with honesty and integrity
  - staff will not allow their external, personal or financial interests or their duties to any external entity to compromise their duties, obligations and responsibilities to the University
  - all conflicts of interest, regardless of their character or level, will be identified, disclosed and managed
  - that any gifts/benefits/sponsorship/hospitality or service will not be accepted by staff if the intention is to influence current or future behaviour of staff or an individual School/Office within the University (see also [Gifts and Benefits Policy](#)). The preservation of academic and professional independence is a paramount consideration and should be made clear to potential sponsors
  - where a conflict of interest occurs, the interests of the University will be balanced against the interests of the staff member. Unless exceptional circumstances exist, the balance of interests will be resolved in the University's favour; and
  - Heads of Element, when notified of a conflict of interest, will deal promptly with the conflict as per this policy and put in place arrangements that protect the integrity of the University's processes and decision-making.
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## 3. SCOPE

This policy is based upon and gives effect to the values and principles in the University's Code of Conduct such as integrity, impartiality, accountability and transparency. The policy applies to all members of staff of the University at all times while engaged in University business or otherwise representing the University.

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Where a staff member is a member of the University Council or a Council Committee, then section 26A(c) of the Griffith University Act 1998 also applies.

## 4. DEFINITIONS

For the purposes of this policy:

Staff	full time, part time, sessional, or casual staff employed by the University; clinical titleholders, adjunct, conjoint or honorary appointees to the University; an office holder in a University entity; any other person appointed or engaged by the University to perform duties or functions on its behalf.
Conflict of Interest	<p>'A conflict of interest involves a conflict between the public duty and private interests of a public official, in which the public official has private interests which could improperly influence the performance of their official duties and responsibilities' (OECD guidelines, 2003 para10).</p> <p>Arises when a staff member's personal interests, or those of a person with whom they have a close personal relationship, conflict with their primary obligation to act in the interests of the University. A conflict of interest may be actual, perceived or potential. It can be pecuniary (involving financial gain or loss), or non-pecuniary (based on enmity or amity) and can arise from avoiding personal losses as well as gaining personal advantage, financial or otherwise.</p> <p>Conflict of interest includes conflict of commitment.</p>
Financial interest	any right, claim, title or legal share in something having a monetary or equivalent value. Examples of financial interest include, but are not limited to, shares, share options, and the right to receive remunerations such as salary, consulting fees, allowances, discounts and the like.
Actual conflict of interest	involves a real conflict between current duties and responsibilities and existing private interests.
Perceived conflict of interest	where a reasonable person might perceive that such improper influence as described in Conflict of interest could exist.
Potential conflict of interest	where a conflict may arise in the future between current or future duties and responsibilities and existing or future private interests.
Conflict of commitment (dual interests)	<p>may arise where an individual has multiple and incompatible public duties. This may occur, for example, when a staff member has a public role with another organisation in addition to their University duties.</p> <p>University staff may have involvements with external organisations such as: serving on a board or committee, holding an honorary appointment with another university, being involved in a Cooperative Research Centre (CRC) or other research project external to the university, or serving as a director on a controlled entity of the university. This can often result in dualities of interest or obligation with respect to the University and the other organisation.</p>
Personal relationships	as defined in the <a href="#">Personal Relationships in the Workplace Policy</a> .
Private interests	refers to any interests that involve potential gain or loss (financial or non-financial) for an individual or for any other person or organisation that individual may wish to benefit (e.g. family, friends, associates) or disadvantage (e.g. competitors, rivals).

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## 5. ROLES AND RESPONSIBILITIES

The Vice President (Corporate Services) is responsible for the overall management of conflicts of interest processes within the University, including maintenance of a central register of disclosures.

Staff members are responsible for:

- understanding and complying with this policy
- assessing their own private and personal interests and whether they conflict or have the potential to conflict with the University's interests, including their own duties as staff members
- disclosing and managing any actual, perceived or potential conflicts of interest in accordance with this policy
- where appropriate, being aware of additional, current requirements linked to research; and
- not making decisions or seeking to influence the decisions of others in matters relating to the staff member's private interest.

Heads of Element are responsible for:

- understanding and complying with this policy and ensuring staff are aware of the policy
- being aware of areas of conflict of interest within their area of responsibility, assessing risks and advising the relevant senior officer
- disclosing and managing any actual, perceived or potential conflicts of interest in accordance with this policy, including reviewing disclosed conflicts on at least an annual basis to ensure that the information remains correct and that the management responses continue to be appropriate and effective
- assisting staff who have queries about actual, perceived or potential conflicts of interest
- seeking advice or support from the relevant senior officer, where necessary.

Relevant senior officers are responsible for:

- all matters listed under Heads of Element
- supporting staff within the Group/Division to manage any conflicts of interest
- reviewing and ensuring that management of conflicts of interest complies with this policy
- seeking advice and support relating to the implementation of this policy, where necessary from the Vice President (Corporate Services).

The relevant senior officers are the Deputy Vice Chancellor or Pro Vice Chancellor for the Group/Division. The relevant senior officer may delegate their responsibilities under this policy but only to a Dean or Director who reports directly to the relevant senior officer.

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## 6. KEY TEST FOR IDENTIFYING CONFLICTS OF INTEREST

Staff must ensure that any conflicts between their personal or private interests and their University duties are promptly identified and managed.

### 6.1 The Test

- 6.1.1 The test is: Whether an individual could be influenced, or appear to be influenced, by a private interest or conflict of commitment when carrying out their duties and responsibilities as a staff member of the University.

This test should focus on the official role and the private relationships or interests of the staff member concerned, and whether a reasonable, disinterested person would think

these relationships or interests could conceivably conflict or appear to conflict with the staff member's University role.

In the event that there is uncertainty about whether a conflict of interest exists, in accordance with the policy definitions, advice must be sought from the staff member's Head of Element.

## **6.2 Areas of High Risk**

6.2.1 There are a number of areas of University activity that are deemed high risk. These include, but are not limited to:

- procurement processes, tenders and contracts
- gifts, hospitality and other benefits
- staff recruitment, selection, appointment, re-classification, termination, tenure, promotion, performance management, staff development, conditions of service, recognition and reward
- student recruitment, selection, admission to university and awarding of scholarships
- assessment or supervision of students
- personal relationships
- exercising financial and other delegations
- sponsorships to or from the University
- private practice arrangements
- all commercialisation activities [consultancy and commercial research, technology transfer (including collaborative research, licensing, patents, material transfer), enterprise and related activities]
- research activities, including disclosure to funding bodies and for individuals responsible for carrying out any part of an investigation of an allegation of research misconduct
- providing ethical or other approval to researchers for intended projects
- funding from commercial entities for educational activities, where the funder may exert undue influence on participants for current or future commercial gain.

## **6.3 Conflicts of Interest arising from Personal Relationships in the Workplace**

6.3.1 It is undesirable that personal relationships should intrude or be perceived to intrude on or influence working practices and decisions. Staff must comply with the [Personal Relationships in the Workplace Policy](#).

## **6.4 Conflicts of Interest in Research**

6.4.1 Compliance with both the [Australian Code for the Responsible Conduct of Research](#) (Australian Code) and the [National Statement on Ethical Conduct in Human Research](#) (National Statement) is a condition of research funding from most bodies (including the ARC and NHMRC). The Australian Code and National Statement outline the responsibilities of institutions and researchers with regards to conflicts of interest.

Guidance for researchers on managing conflicts of interest as defined in the Australian Code and National Statement can be found in the [Griffith University Code for the Responsible Conduct of Research](#) (Griffith Code) and Booklet 4 of the [Griffith University Human Research Ethics Manual](#). A researcher who fails to appropriately handle a conflict of interest may be subject to action under either the Griffith Code (where a simple breach of the research ethics arrangement is involved) or the University's academic misconduct policy where research misconduct is demonstrated.

Where there is any discrepancy between this policy and the Australian Code/National Statement/Griffith Code (e.g. in the extent of notifications or disclosures required) the requirements of the Australian Code/National Statement/Griffith Code take precedence.

## **6.5 Conflicts of Interest arising from Commercialisation**

6.5.1 Staff are required to be familiar and comply with the [Guide to Responsible Conduct of Commercialisation Activities](#).

## 6.6 Private Practice Arrangements

6.6.1 Staff are required to be familiar and comply with the [Private Practice Policy](#).

## 6.7 Conflicts of Commitment

6.7.1 Conflicts of commitment often involve issues of time allocation and are situations where an individual engages in outside professional activities, both paid or unpaid, that may interfere with their primary obligation and commitments to the University.

Whenever an individual's outside professional activities as defined in the University's [Private Practice Policy](#) exceed the permitted limits (no more than 200 hours in a 6 month period of 1 January to 30 June and 1 July to 31 December), or whenever a staff member's primary professional loyalty is not to the University, a conflict of commitment exists. If a situation arises that raises questions about a possible conflict of commitment, staff must discuss this with their Head of Element.

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## 7. DISCLOSING CONFLICTS OF INTEREST

Disclosures about actual, perceived or potential conflicts of interest must be made as soon as reasonably practicable, with the primary obligation of the staff member being to disclose in advance, to the staff member's Head of Element via the online [Conflict of Interest Disclosure Statement](#).

There may be other disclosures required in respect to research under the Australian Code/National Statement/Griffith Code (see 6.4 above).

If a management procedure beyond disclosure is deemed to be required by the Head of Element, this will be advised to the staff member and, if appropriate, to other relevant officers of the University. An appropriate procedure to manage the conflict of interest will be agreed.

Completed Conflict of Interest Disclosure Statements will be forwarded to the relevant senior officer for the area in which the staff member works. The relevant senior officer will determine whether the procedure to manage the conflict of interest is adequate and will, if necessary, impose additional measures.

A conflict of interest affecting a Head of School or Director, Administrative Division must be disclosed to the relevant Deputy or Pro Vice Chancellor. Conflicts of interest affecting Deputy or Pro Vice Chancellors must be disclosed to the Vice Chancellor. Conflicts of interest affecting the Vice Chancellor must be disclosed to the Chancellor.

The Vice President (Corporate Services) will maintain a central register of Disclosure Statements.

Disclosure only occurs when submitted on the Disclosure Statement. The fact that a matter may be known by others, or is considered public knowledge, is no substitute for disclosure on the required form. Where a Head of Element / or senior staff member becomes aware of a conflict of interest they are to remind staff of their obligation to submit a Disclosure Statement.

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## 8. MANAGING CONFLICTS OF INTEREST

The management of conflicts of interest will be determined by the relevant senior officer for the area in which the staff member works. The four recommended responses are:

### 8.1 Avoid the conflict of interest

Avoiding a conflict of interest which poses an unacceptable risk to, or impact on, the University's interests is the preferred strategy. To avoid a conflict of interest, the staff member concerned may be removed from the decision-making process in relation to the matter concerned or requested to relinquish the private interest which is creating the conflict.

### **8.2 Accept and reduce the conflict of interest**

A conflict of interest may be reduced by ensuring that the staff member concerned has restrictions placed on their involvement in the relevant matter, or that another staff member or organisational area takes responsibility for the matter.

### **8.3 Share the conflict of interest**

A conflict of interest may be shared by involving a third party to oversee part or all of the decision-making process that deals with the relevant matter.

### **8.4 Retain the conflict of interest**

A conflict of interest may be retained and the staff member continues to be involved in the matter concerned, subject to a regular review of the situation. This response is only suitable for low risk conflicts of interest.

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## **9. MONITORING CONFLICTS OF INTEREST**

All disclosed interests must be reviewed by the staff member and their Head of Element on at least an annual basis to ensure that the information remains correct, and that the management responses continue to be appropriate and effective.

Any change in the arrangements must be notified immediately to the Head of Element as the relevant senior officer.

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## **10. FAILURE TO DISCLOSE A CONFLICT OF INTEREST**

Staff have an obligation to disclose and manage conflicts of interest. Failing to comply with the provision of this policy, including refusal to take any reasonable action as directed, to resolve a conflict of interest may constitute misconduct or serious misconduct, which may result in disciplinary action or termination of employment.

Breaches of this policy may also result in referral to, and action being taken by, an external statutory authority and/or agency.

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## **11. PRIVACY AND CONFIDENTIALITY**

Information arising from conflict of interest disclosures will be managed in accordance with the [Griffith University Privacy Plan](#).

Information held may be used for University purposes including audit, reporting, compliance monitoring and other purposes required by government or legislation.

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## **12. PUBLIC INTEREST DISCLOSURES (WHISTLEBLOWING)**

If a member of staff has knowledge that a conflict of interest may exist that may not have been disclosed, they should discuss the situation with a relevant supervisor or Head of Element, or consider taking action under the [Public Interest Disclosure Policy](#).

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## 13. EXAMPLES OF CONFLICT OF INTEREST SITUATIONS

### 13.1 Academic

- An academic staff member involved in teaching or assessing a student who is a relative, family or personal friend needs to disclose the relationship.
- 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. This 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.
- 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 their decision making.
- The supervision of research students presents an environment for potential conflict of interest where a personal relationship exists. Further research supervision examples are available at: <http://www.griffith.edu.au/higher-degrees-research/services-support-resources/policies-guidelines-manuals/conflict-interest-guidelines>
- Human research by an investigator who has funding support creates, for research participants, additional risk for adverse consequences. Research participants must be recruited and treated with full protection of their personal rights and their right to ethical and impartial clinical or professional management. Disclosure of monies received should be made to research participants.
- An investigator or research candidate has a private interest in an organisation providing funding support to the research project (or candidate), such as through a grant or scholarship.
- A staff member conducts research or clinical trials sponsored by a company in which the staff member (or an associate) has a financial interest or holds an executive position.
- A staff member receives gifts, gratuities, loans or special favours (including trips or speakers fees) from research sponsors or vendors.
- A researcher or a member of their immediate family is a user of a community service being evaluated.
- The researcher is an employee of the organisation the research will be commenting upon.
- The researcher has affiliations or memberships (e.g. clubs, political parties, religious groups) that are pertinent to the research topic.
- The researcher has a familial, personal or other relationship with research subjects or participants.

### 13.2 Outside Work/Commercial Activity

- A conflict may arise in relation to the allocation of time, intellectual energy and primary professional commitment between University responsibilities and external activities.
- Conflict of interest can arise where a member of staff has multiple official roles (such as being an officer of the University and serving as the Director of a company controlled by the University). In these situations, a person may use information obtained in exercising one role to the advantage or disadvantage of another organisation in an improper way.
- A staff member is the director of a company that the University is bidding with or is bidding against for contract research funds. The staff member is unlikely to be able to simultaneously meet their obligations as a director of a company and meet their obligations as a staff member to act in the best interests of the University at all times.
- A staff member undertakes paid/unpaid outside work that impacts on their ability to fulfill their duties and obligations to the University.
- A staff member tenders for and engages in consultancy work as an individual rather than as an University staff member: the work is the same as the work they are employed to perform and could have engaged in this work as a staff member but they did not obtain approval under the Private Practice Policy to undertake the work.
- A staff member holds an equity interest or executive position in a start-up company that has a contractual arrangement with the University to conduct further research.

### **13.3 Procurement**

- A staff member with decision making powers in relation to a tender offered by the University accepts a gift or hospitality from a person associated with a company which is tendering the work from the University.
- A staff member or a member of their immediate family has a direct or indirect financial interest, or hold a directorship, in a company or other entity which supplies, or is likely to supply, goods and/or services to the University, or which operates in competition with the University.
- A staff member takes part in assessing a tender application where he/she has, or has had, a personal relationship with a person or organisation that has submitted a tender application.
- Selection as a University supplier by a staff member who has a personal or economic interest in that entity, this includes engaging a family member as an independent contractor, subcontractor or consultant.

### **13.4 Recruitment and Selection**

- A staff member with decision making powers over the employment of staff is involved in the selection process in which a relative is an applicant.
- A staff member employs a family member or close associate to undertake sessional academic work or casual administrative work periods without undertaking any merit based selection process or disclosing the relationship.
- A staff member with decision making powers over the selection for entry into University participates in the assessment of eligibility of a student with whom they have a close personal relationship.
- A staff member with responsibility for selection, assessment or supervision of a student's work also has a personal or family relationship with that student.

### **13.5 Other**

- A staff member uses information received as a University employee for personal purposes.
- A staff member receives gifts, gratuities, loans or special favours (including trips or speakers fees) from research sponsors or vendors.
- A staff member directly receives cash, services or equipment in support of their University activities from non-University sources.
- A staff member holds equity, royalty or debt instrument interest, or their close associates, in an entity that provides financial support, including research or other support services, to the University, when such support will benefit staff or persons supervised, directly or indirectly, by them.
- A staff member or close associate holds an interest, including ownership, in any real or personal property leased or purchased by the University.