

## 1. Purpose of Policy

1.1 This policy outlines the obligations that members of the University community have to protect the reputation of the University by maintaining high ethical standards, fairness and integrity in all dealings.

## 2. Policy Scope and Application

2.1 This policy applies to all members of the University community who are in a position to exert influence over the University resources and activities.

## 3. Definitions

Please refer to the University's Glossary of Terms for policies and procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

**Actual Conflict of interest** involves a direct conflict between a University Community Member's current duties and responsibilities and existing private interest.

**Perceived or apparent conflict of interest** can exist where it could be perceived, or appears, that a University Community Member's private interest could improperly influence the performance of their duties – whether or not this is in fact the case.

**Potential conflict of interest** arises where a University Community Member has private interests that could conflict with their official duties in the future.

**Staff member** means anyone engaged by or associated with the University and includes all permanent, casual, adjunct, honorary or contracted staff (whether full-time or part-time), volunteers or those holding University offices or who are a member of a University committee.

**University Community** means all staff members, students, consultants, contractors, volunteers, and external appointees of Council, boards and committees of the University.

## 4. Policy Statement

4.1 The policy outlines the principles for the declaration and management of any actual, potential or perceived conflicts of interest by University community members. The policy applies to governance, employment, research, financial, commercial activity, board and council representation, volunteer, consultant and contractor arrangements.

4.2 All University Community members when performing their duties are required to act in good faith towards the University and where conflicts of interest do arise, to manage those conflicts appropriately in accordance with these principles:

- to protect the University's interest ensuring that all decision making is impartial and objective;
- to protect the reputation of the University by maintaining ethical standards of good judgement, fairness and integrity in all its dealings;
- to ensure that employees always observe the highest standard of professional ethical conduct;
- to avoid any activity or interest that might reflect unfavorably upon a staff member's own integrity and good name, or upon the integrity and good name of the University;
- the University has a duty under section 6(d) of the Public Sector Ethics Act 1994, to ensure that any conflict of interest will be resolved or appropriately managed in favor of the public interest.

## 5. Identifying Conflicts of Interest

### 5.1 General Conflicts of Interest

Whilst it is not possible to set out a definitive list of instances, conflicts may arise through:

- **conflict of roles** - Where individuals have more than one official role at the University or an official role in a different organisation, it may be difficult to keep their roles separate;
- **private interests** - A conflict of interest may be pecuniary or non-pecuniary and can arise from avoiding personal losses as well as gaining personal advantage;
- **personal relationships** - University Community Members should not be involved in decisions affecting the employment or academic administration of a person with whom the member has a current or previous personal relationship; or

APPROVAL AUTHORITY

Council

RESPONSIBLE OFFICER

Vice-Chancellor and President

DESIGNATED OFFICER

Chief Operating Officer

FIRST APPROVED

23 August 2016

LAST AMENDED

28 January 2020

REVIEW DATE

23 August 2021

STATUS

Active

- personal benefits - A conflict of interest may occur where a University Community Member receives a benefit which is, or may be perceived as, an incentive or inducement to perform or not to perform an official function or duty.

## 5.2 Areas of High Risk

The following activities or actions are situations where actual, potential or perceived conflicts of interest may commonly arise:

- Purchasing goods or services for the University where the decision maker has a relationship with the supplier or an employee of the supplier;
- Business or close personal relationships with competitors or businesses operating in the same areas as the University;
- Decisions regarding recruitment, appointment, promotion or other personnel where personal relationships exists with one or more party/s;
- Holding memberships, directorships, executive positions, shareholdings or ownerships of other companies, organisations, or businesses that are in serious competition or conflict with the University;
- Close personal relationships with another staff member, student or other person associated with or contracted to the University;
- Decisions regarding students where a personal association exists, including: assessments, scholarships, prizes, examination results and other matters relating to a student's academic progress or records;
- A researcher's affiliation with, or financial involvement in, any organisation or entity with a direct interest in the research being conducted or the provision of materials for the research which may result in a conflict of interest;
- Acceptance of gifts or benefits (financial or otherwise), including: conference attendance, entertainment, travel, accommodation expenses or hospitality - refer to the Staff Gifts and Benefits – Managerial Policy;
- Inappropriate access to, or use of, University documents and information obtained in the course of employment;
- Employment (or voluntary work) external to the University of a kind, whilst still employed by the University, where that work may be in conflict with the objectives of the University - refer to the Outside Work and Private Practice – Managerial Policy;
- Circumstances where the staff member's external activities encroach on time or attention that should be devoted to the University;
- Inappropriate use of intellectual property – refer to Intellectual Property – Governing Policy - including but not limited to misuse of student intellectual property rights by staff members;
- Inappropriate response to requests for public comment including public speaking, comments on radio or television, opinions expressed in letters to newspaper or in books or journals, blogs, tweets, social networking sites or notices – refer to Marketing and Communications – Managerial Policy; and/or
- Inappropriate use of University facilities, resources and/or equipment for personal benefit or the benefit of a third party.

## 5.3 Council Members and Conflicts of Interest

Council has identified the following circumstances as being indicative of circumstances which will or may give rise to potential or actual conflicts of interest requiring disclosure under this Policy:

- Outside interests including but not restricted to:

1) A contract, consultancy or transaction between the University and the Council member or a family member of that Council member,

2) A contract, consultancy or transaction between the University and a company, organisation, partnership, business or entity in which the Council member or a family member of that Council member, has a material financial or controlling interest or of which such person is a director (or equivalent position), officer, agent, partner, associate or trustee;

- A personal relationship with a member of staff or student of the University where a decision of the Council affects or is likely to affect that person;
- An academic position held by a Council member with another university where a decision of Council affects or is likely to affect an aspect of competing specific academic goals of the University of the Sunshine Coast and that other university e.g. in relation to a decision to introduce a new course to the University;
- A professional position or involvement of a Council member outside the University which is affected or likely to be affected by a decision of the Council e.g. a decision to engage or not engage, under contract, a firm of which a Council member's business is a significant competitor;
- Gifts, gratuities and entertainment e.g. received from a third party who has, or may reasonably be considered to have, an interest in the outcome of a decision of Council.

## 6. Avoidance and Disclosure of a Conflict of Interest

6.1 Where any actual, perceived or potential conflict of interest cannot be avoided, the University Community Member is obligated to recognise, declare and manage situations involving conflicts of interest.

6.2 The six major options for managing conflicts of interest - as set out in the Crime and Corruption Commission (CCC)/Independent Commission Against Corruption (ICAC) publication, 'Managing Conflicts of Interest in the Public Sector' and detailed below in section 8.1.3 - will apply equally to all members of the University Community.

6.3 All University Community Members are to:

- Follow the ethical standards of conduct expected of University Community Members as set out in the Staff Code of Conduct – Governing Policy and the Responsible Research Conduct - Governing Policy, as appropriate;
- Restrict the extent to which a private interest could compromise, or be seen to compromise, their impartiality when carrying out their official duties;
- Abstain from involvement in official decisions and actions which could be compromised by other private interests and affiliations;
- Avoid private action in which they could be seen to have an improper advantage from confidential/privileged information they might have access to because of their official duties;
- Ensure that they do not use their official position or University resources for private personal gain or gain by others with whom the staff member has a relationship or personal association;
- Ensure that there can be no perception that they have received an improper benefit that may influence the performance of their official duties; and
- Ensure they do not take improper advantage of their official position or confidential/privileged information gained in that position when seeking employment outside the University, or provide such advantage to others with whom they have an association.

## 7. Managing a Conflict of Interest

7.1 A Staff member is to report the conflict in writing to their supervisor using a Declaration of Conflict of Interest Form (Appendix B). Where a conflict of interest arises during a meeting the Staff member is to declare the conflict verbally, which must be noted in the minutes of the meeting, and then subsequently in writing to their supervisor using a Declaration of Conflict of Interest Form (Appendix B), as soon as practicable after the meeting.

7.2 University Community members, other than Staff and Council members, must report the conflict in writing to the relevant University officer overseeing their activity or association with the University.

7.3 A Conflict of Interest Register will be maintained by the Office of the Chief Operating Officer. The register will contain copies of the Declaration of Conflict of Interest Form, or other written records of declaration, and copies of signed conflict of interest management plans. Access to the register is restricted to those employees who need it for official purposes.

7.4 Local level conflicts of interest are to be reported to, and managed locally, by the appropriate member of Senior Staff, via the supervisor of the University Community Member concerned.

7.5 University level conflicts of interest will be managed by the appropriate member of Executive staff through formal notification processes to the Vice-Chancellor and President or Chief Operating Officer.

7.6 Advice should be sought from senior functional experts, when managing either local or University level conflicts, as appropriate to the nature of the conflict.

7.7 Confidentiality will be maintained at all times by all persons involved in the notification and management of conflicts of interest to ensure that confidential disclosures are protected from misuse.

7.8 The University acknowledges that staff members and supervisors may seek advice on matters relating to this policy from the Office of the Chief Operating Officer and/or Human Resources.

7.9 Records of any notification of conflicts of interest will be maintained in an approved and secure recordkeeping system, in accordance with the Information Privacy Act 2009 and the University's Information Management Framework – Governing Policy. Notifications regarding staff conflicts of interest will be stored on the staff member's personnel file as well as on the Conflict of Interest Register.

## 8. University Council Members

### 8.1 Principles

8.1.1 In keeping with the obligation of the members of Council pursuant to the University of the Sunshine Coast Act 1998 to 'act in the way that...is most likely to promote the university's interests', all Council members must act in good faith in avoiding both actual or potential conflicts of interest and the perception, whether founded or not, of a conflict of interest between the interests of the University and their own personal, professional and business interests.

8.1.2 To this end:

- a Councillors' Interests Register will be maintained by the Office of the Chief Operating Officer to record all of the relevant interests of Councillors;
- all actual, potential or perceived conflicts of interest of Council members must be declared by Council members at all meetings at which any matter is discussed involving the relevant conflict;
- the minutes of every meeting must record all such declarations.

8.1.3 Council has adopted the six major options for managing conflicts of interest as set out in the Crime and Corruption Commission (CCC)/Independent Commission Against Corruption (ICAC) publication, 'Managing Conflicts of Interest in the Public Sector':

- Register: All conflicts of interest are registered regardless of the management strategies adopted;

- Restrict: Restrictions are placed on a Councillor's involvement in a matter (eg refraining from taking part in discussion and/or decision making; having restricted access to sensitive documents or confidential information);
- Recruit: A disinterested third party is used to oversee part or all of the process that deals with the matter;
- Remove: The Councillor removes him or herself from any involvement in the matter (eg absenting oneself from discussion and decision making);
- Relinquish: The Councillor relinquishes the private interest that is creating the conflict; and
- Resign: The Councillor resigns from his or her position.

8.1.4 Council recognises that conflicts of interest do and will occur as a necessary part of business and commerce. This Policy deals only with how those conflicts are handled and the disclosure of interests, and actual, potential or perceived conflicts of interest, in accordance with this Policy are not intended to prejudice the position of Council members in relation to engagement in the ongoing business of Council. Nor is it intended that disclosures will preclude the relevant Council member from subsequent involvement in University activities.

## 8.2 Framework

8.2.1 Each Council member must, upon appointment, be provided with a copy of this policy.

8.2.2 A Councillors' Interests Register must be held and maintained by the Council Secretary.

8.2.3 All entries in the Councillors' Interests Register must be treated as highly confidential. No personal information will be disclosed except to the extent necessary to implement this Policy.

8.2.4 Each Council member must, when appointed to Council, notify the Council Secretary of all relevant interests and relationships of the Council member (refer to item 5.3 above for guidance) for entry in the Councillors' Interests Register. This notification will be given by completing a Councillors' Interest Declaration (see Appendix A).

8.2.5 Each Council member shall have an ongoing obligation during their term of office to notify the Council Secretary of relevant interests or relationships as they arise that the Council member becomes aware may reasonably be expected to be, or result in, a conflict of interest (refer to item 5.3 above for guidance).

8.2.6 The Council Secretary is responsible to keep Council informed of all notifications made under this Policy, where they bear on the discussion of Council matters. Where an actual conflict of interest has been identified, Council members will be entitled to access the entry in the Register. Where a potential or perceived conflict of interest has been identified, the Council Secretary or Chancellor will advise Council members as to the existence of a potential or perceived conflict of interest. In such cases, access to the entry in the Register will be restricted to the Council Secretary and Chancellor.

8.2.7 There shall be a standing item on the agenda for each meeting of the Council, requiring Council members to declare conflicts of interest as contemplated by item 8.2.6 above.

8.2.8 Each Council member must identify when they have a conflict of interest with regard to any item on the Agenda for a meeting or arising in the course of the meeting.

8.2.9 All such declarations of conflicts of interest and the means by which Council determines that they be managed must be recorded in the minutes of the relevant meeting and an entry will be recorded in the Register by the Council Secretary and follow-up action taken as required.

## 9. Privacy

Recording and reporting conflicts of interest (actual, potential or perceived) may involve the collection, storage, use or disclosure of personal information. Any personal information collected, stored, used or disclosed under this Policy will be handled according to the University's Information Management Framework – Governing Policy.

## 10. Public Interest Disclosures

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 member of Senior Staff, or consider taking action under the University's Public Interest Disclosures – Governing Policy.

## 11. Failure to Comply

11.1 A failure to comply with this Policy and any accompanying procedures may constitute a breach of the University's Staff Code of Conduct – Governing Policy and may be dealt with as misconduct or serious misconduct in accordance with the relevant clauses in the Enterprise Agreement.

11.2 A member of the University's Council who fails to disclose a conflict of interest in the exercise of their functions may be removed from office under provisions of the University of the Sunshine Coast Act 1998.

11.3 A breach of this Policy may be the subject of a report to external agencies such as the Queensland Audit Office or the Crime and Corruption Commission.

## 12. Authorities/Responsibilities

The following authorities/responsibilities are delegated under this policy:

ACTIVITY	UNIVERSITY OFFICER/COMMITTEE
Responsible for the overall management of conflicts of interest process within the University.	Vice-Chancellor and President
Receipt and record University level notifications of Conflicts of Interest. Ensure the University's Conflict of Interest Register is maintained.	Chief Operating Officer
Ensure Council is informed of all notifications of Conflicts of Interest where they bear on the discussion of Council matters. Ensure Councillors' Interests Register is maintained.	Council Secretary
Notify the Council Secretary of relevant interests and relationships and complete appropriate formal disclosure documentation.	University Council Members
Be aware of the risks of conflicts of interest, inherent in the work of the staff they manage. Ensure all University Community Members they are responsible for, are aware of the University's policy and the requirements for disclosure and management of conflicts of interest. Record any declared conflicts of interest. Advise staff about appropriate ways to manage conflicts. Assist staff who disclose conflicts to prepare management strategies and review all conflict management strategies at regular intervals. Take all reasonable steps to monitor the work of staff and the risks they are exposed to.	Supervisors, Senior Staff
All University Community Members are responsible for promptly identifying, formally disclosing and managing any interests which may result in conflict with their duties and responsibilities at the University. In disclosing conflicts they must ensure that they do not seek to influence, directly or indirectly, the advice provided by, or actions of, management and administration in matters relating to the interest.	All University Community Members

### Appendices:

Appendix A - Councillors' Interests Declaration Form

Appendix B - Declaration of Conflict of Interest Form (Actual, Potential or Perceived)

END

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## RELATED DOCUMENTS

Financial Management Practices - Operational Policy  
Governance Framework - Governing Policy  
Information Management Framework - Governing Policy  
Intellectual Property - Governing Policy  
Intellectual Property: Commercialisation - Procedures  
Intellectual Property: Commercialisation Revenue - Procedures  
Intellectual Property: Student IP - Procedures  
Intellectual Property: Transfer of Rights to Creators - Procedures  
Marketing and External Engagement - Operational Policy  
Outside Work and Private Practice - Operational Policy  
Public Interest Disclosures - Governing Policy  
Public Interest Disclosures - Procedures  
Recruitment, Selection and Appointment - Operational Policy  
Responsible Research Conduct - Governing Policy  
Staff Code of Conduct - Governing Policy  
Staff Gifts and Benefits - Operational Policy  
Student Conduct - Governing Policy  
Student General Misconduct - Procedures  
University Consultancy Work - Operational Policy

## SUPERSEDED DOCUMENTS

Councillors' Interests - Governing Policy

## RELATED LEGISLATION / STANDARDS

Public Sector Ethics Act 1994 (Qld)  
University of the Sunshine Coast Act 1998  
Financial Accountability Act 2009 (Qld)  
Australian Code for the Responsible Conduct of Research (2018)  
Crime and Corruption Act 2001 (Qld)  
Information Privacy Act 2009 (Qld)  
ARC Guidelines for Disclosure of Interests and Confidentiality Obligations (Cwlth)  
NHMRC Guideline Development and Conflicts of Interest (Cwlth)