# Conflict of Interest

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## 1.0 Purpose

Griffith University is committed to an ethical culture of integrity, impartiality, accountability and transparency. The Code of Conduct requires all staff members to identify, declare and manage any actual, potential or perceived conflicts between their private interests and their University duties in accordance with the Conflict of Interest Policy.

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 do not benefit by improperly using their position in the University. Conflicts of interest are not unusual in the exercise of public responsibility and cannot always be avoided.

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

## 2.0 Scope

This policy applies to all staff of the University at all times while engaged in University business or otherwise representing the University.

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.

Where conflicts of interest are identified, they must be disclosed and managed appropriately in accordance with this policy and:

a) for Griffith staff – the Declaration of Interest for Members of Staff Procedure; and/or

b) for members of the University Council who are not Griffith staff– the Declaration of Interest and Related Party Transactions for Members of University Council Procedure.

## 3.0 Policy statement

### 3.1 General Expectations

Without limiting the obligations set out in this policy, all University staff must:

* comply with University policy and act with honesty and integrity
* 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
* identify, disclose and manage all conflicts of interest, regardless of their character or level
* comply with the Gifts and Benefits Policy
* ensure the preservation of academic and professional independence is a paramount consideration and should be made clear to potential sponsors
* refrain from involvement in official decisions and actions which could be compromised by other private interests and affiliations
* refrain from using their official position or University resources for private personal gain, without prior University approval as contemplated by this Policy, or gain by others with whom the staff member has a relationship or personal association
* avoid personal activities or undertakings which could, or could be seen to, provide an improper advantage through the use of confidential or privileged Griffith information
* refrain from taking 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.

### 3.2 Identifying Conflicts of Interest

Staff must regularly (and at least annually) self‑assess their circumstances and disclose and appropriately manage any conflict of interest in accordance with this policy and the associated procedures.

3.2.1 The Test

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 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 Supervisor, Head of Element, HR Business Partner or the Integrity Unit.

3.2.2 Types of Conflict

Conflicts of interest can arise from a University staff member avoiding personal losses or gaining personal advantage by virtue of their role or access to University information that is not available to others. A private interest may be financial or non‑financial and may include business interests in a company tendering for paid work from the University.

Private interests include, but are not limited to, the examples outlined below.

**3.2.2.1 Personal Relationships**

University staff must carry out their official duties with integrity and avoid conflicts of interest between their personal relationships and their University responsibilities. Personal relationships may include:

**Family and close personal relationships** – staff must not be involved in decisions affecting the employment or academic administration or teaching of a person with whom they have a family or close personal relationship, without prior University approval as contemplated by this Policy. These relationships may include spouse, children, siblings or cousins, relations by marriage, close relatives, close friendships or sexual relationships.

**Financial relationships** – staff must not be involved in decisions affecting the employment or academic administration of a person with whom they have a commercial relationship or where a personal financial interest exists.

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

**3.2.2.2 Outside Work/Secondary Employment or Private Practice**

Staff are required to be familiar and comply with the Private Practice Policy.

**3.2.2.3 Gifts & Benefits**

A conflict of interest may occur where a University staff member receives a gift or benefit that is, or may be perceived as, influencing the performance of their official duties. The University’s Reportable Gifts and Benefits Policy requires staff to seek approval for and disclose their receipt of certain gifts.

**3.2.2.4 Conflicts of Interest in Research**

Researchers have additional responsibilities under the University’s Responsible Conduct of Research Policy (Griffith Code), which requires researchers to disclose and manage actual, potential, and perceived conflicts of interest which may relate to the design, conduct or reporting of research.

Compliance with both the Australian Code for the Responsible Conduct of Research (2018) (Australian Code) and the National Statement on Ethical Conduct in Human Research (2007 and us updated) (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.

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 (e.g. in the extent of notifications or disclosures required) the requirements of the Australian Code/National Statement take precedence.

**3.2.2.5 Conflicts of interest arising from Commercialisation or Consultancy**

The University recognises financial conflicts of interest may arise as staff commercialise their research or teaching resources into products and services.

Staff are required to be familiar and comply with the Guide to Responsible Conduct of Commercialisation Activities.

**3.2.2.6 Conflicts of Commitment**

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.

Staff are required to be familiar and comply with the Private Practice Policy. 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.

### 3.3 Disclosing Private Interests

Disclosures about private interests that may lead to 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, via the online Declaration of Interest form.

There may be additional disclosures required in respect to research under the Australian Code/National Statement/Griffith Code (see 3.2(e) above).

Disclosure only occurs when submitted via the Annual Declaration of Interest Disclosure Form, or via a Declaration of Interest Self Submit Form.. The fact that a matter may be known by others, or is considered public knowledge, is no substitute for disclosure on the required form.

3.3.1 Register of Interests

The Council Secretary is responsible for maintaining a confidential register of interests for members of the University Council.

The Chief Operating Officer will maintain a central register of Declaration of Interests for all University staff.

3.3.2 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 submit the Annual Declaration of interest, or to take any reasonable action as directed, to resolve a conflict of interest will constitute a breach of this Policy and may be dealt with as misconduct or serious misconduct in accordance with the University’s policies and Enterprise Agreements.

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

The University has a legislative obligation to report breaches of this policy, where necessary, to external agencies including the Queensland Audit Office and the Crime and Corruption Commission.

### 3.4 Managing Conflicts of Interest

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 must be resolved in the University’s favour.

3.4.1 Management Plans

Management Plans must be prepared by a staff member in consultation with their Supervisor, in accordance with the Declaration of Interest for Members of Staff Procedure

The recommended responses to manage conflicts of interest include:

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| *Register* | Disclose and establish the details of the conflict |
| *Restrict* | Restrict the staff member’s involvement or actions in the matter |
| *Recruit* | A disinterested third party should oversee processes involved in the matter |
| *Remove* | The staff member may remove themselves/or be removed from involvement in the matter |
| *Relinquish* | The individual and/or their related parties may relinquish the private interest |
| *Resign* | The individual’s resignation is an option of last resort if no other options are workable |

3.4.2 Monitoring Conflicts of Interest

All disclosed interests must be reviewed by the staff member and their Supervisor 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. The staff member must submit an updated Declaration of Interest Form to reflect any changes to the approved Management Plan.

3.4.3 Reporting

The General Counsel reports to the Executive Group quarterly on declared interests.

### 3.5 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.

### 3.6 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.

## 4.0 Roles, responsibilities and delegations

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| --- | --- |
| ROLE | RESPONSIBILTY |
| University Council | * Approves policy and receives advice in relation to fraud and corruption control implementation via ARC. * Under the Griffith University Act 1998, members of the University Council are responsible and accountable to the University Council. Members of the University Council are required to disclose and avoid conflicts of interest in accordance with the Conflict of Interest and Related Party Transactions for Members of the University Council Procedure. |
| Chief Operating Officer | * Responsible for the overall management of conflicts of interest processes within the University, including maintenance of a central register of disclosures. * Approves Griffith’s procedures for the disclosure and management of conflicts of interest. |
| General Counsel | * Implements procedures for University level disclosure of interests. * Provides advice to staff members, and to managers and supervisors, on conflict of interest issues. * Reports to Executive Group quarterly on disclosed interests. |
| Executive Group | * All matters listed under Heads of Element. * Cultivates a culture within their organisation area that supports high standards of ethical conduct in accordance with the University's Code of Conduct. * Implements this policy through the Declaration of Interest for Members of Staff Procedure and an effective internal control structure. * Supports staff within the Group/Division to manage any conflicts of interest. * Reviews and ensures that management of conflicts of interest complies with this policy. * Seeks advice and support relating to the implementation of this policy, where necessary from the Chief Operating Officer. |
| Heads of Elements | * 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 Executive Group member. * 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 Executive Group member, where necessary. |
| Supervisors and Managers of staff | * Record and monitor any disclosures made by their staff in accordance with this policy and of the Declaration of Interest for Members of Staff Procedure. |
| All staff | * Understanding and complying with this policy and any related procedures. * Complete mandatory training and undertake regular self-assessment. * 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 and any related procedures. * Suggest an appropriate management plan and work with their Supervisor to refine a management plan they have submitted. * alert supervisors to conflicts of interest held by other staff where they have reasonable belief the conflict of interest has not previously been disclosed. * Where appropriate, being aware of additional, current requirements linked to research. * Not making decisions or seeking to influence the decisions of others in matters relating to the staff member’s private interest. |
| Integrity Officer | The Integrity Officer is responsible for:   * administering conflict of interest training * maintaining the staff Declaration of Interest tool. |

## 5.0 Definitions

For the purposes of this policy and related policy documents, the following definitions apply:

**Actual conflict of interest** involves a real conflict between current duties and responsibilities and existing private interests

**All staff** refers to 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 commitment/Conflict of duty** refers to an instance when two or more interests are in conflict with one another. This situation may occur between an individual’s official duties and their private interests or duties. It may also occur when the individual has two or more official roles (hats) that come into conflict through the different duties expected from each role e.g. by 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.

**Conflict of Interest** arises when a staff member’s private 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. Conflict of interest includes conflict of commitment/conflict of duty.

**Declaration of Interests** refers to disclosure to the University of a staff member’s relevant personal interests, and possibly those interests of individuals closely related to the staff member where the interests may cause a conflict of interest.

**Financial interest** refers to 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.

**Management Plan** refers to the Plan prepared by a staff member in consultation with their Supervisor, in accordance with the Declaration of Interest for Members of Staff Procedure.

**Perceived conflict of interest** refers to an instance where a reasonable person might perceive that such improper influence as described in Conflict of interest could exist – whether or not this is in fact the case.

**Personal relationships** as defined in the Personal Relationships in the Workplace Policy.

**Potential conflict of interest** refers to any instance where a conflict may arise in the future between current or future duties and responsibilities and existing or future private interests.

**Private interests** refers to any interests that can bring benefits or disadvantages to staff members as individuals, or to an individual or for any other person or organisation whom that staff member may wish to benefit (e.g. family, friends, associates) or disadvantage (e.g. competitors, rivals). Private interests are not limited to financial interests or to interests that can bring direct personal gain or help avoid personal loss. They also include many social and professional activities and interests.

**Public Interest** refers to acting in the public interest means carrying out official duties for the benefit of the public served by government, in a fair and unbiased way, and making decisions that are not affected by self-interest, private affiliations or the likelihood of personal gain or loss.

**Secondary employment** refers to an instance when a staff member works for the University but also does paid part-time or casual work for another. It includes operating a business and providing paid consultancy services to another individual or organisation.

**For advice and support contact** [**policy@griffith.edu.au**](mailto:policy@griffith.edu.au) **for Governance and Operational policy documents.**

## 6.0 Information

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| Title | Conflict of Interest Policy |
| Document number | 2022/0001242 |
| Purpose | The purpose of this policy is to outline a framework for the identification and management of actual, potential or perceived conflicts of interest – and to assist staff in addressing conflict of interest issues. |
| Audience | Staff; Students; Public |
| Category | Governance |
| Subcategory | Risk and integrity |
| UN Sustainable Development Goals (SDGs) | This document aligns with Sustainable Development Goal/s:  16: Peace, Justice and Strong Institutions |
| Approval date | 10 October 2022 |
| Effective date | 10 October 2022 |
| Review date | 2025 |
| Policy advisor | General Counsel |
| Approving authority | Council |

## 7.0 Related Policy Documents and Supporting Documents

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| Legislation | [Australian Code for the Responsible Conduct of Research](https://www.nhmrc.gov.au/about-us/publications/australian-code-responsible-conduct-research-2018) (2018)  [Crime and Corruption Act 2001](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2001-069)  [Griffith University Act 1998](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1998-003)  [National Statement on Ethical Conduct in Human Research](https://www.nhmrc.gov.au/about-us/publications/national-statement-ethical-conduct-human-research-2007-updated-2018) (2007 updated 2018)  [Public Interest Disclosure Act](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2010-038)  [Public Sector Ethics Act 1994](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1994-067)  [Queensland Criminal Code Act 1899](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1899-009) |
| Policy | [Academic Freedom and Freedom of Speech Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Academic%20Freedom%20and%20Freedom%20of%20Speech%20Policy.pdf)  [Code of Conduct](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Code%20of%20Conduct.pdf)  [Consultancy and Commercial Research Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Consultancy%20and%20Commercial%20Research%20Policy.pdf)  [Enterprise Agreements (2023-2025)](https://www.griffith.edu.au/staff/human-resources/enterprise-agreements)  [Fringe Benefits Tax Guidelines](file://staff.ad.griffith.edu.au/ud/fr/s2992856/Desktop/Policies%20to%20new%20templates/intranet.secure.griffith.edu.au/finance/financial-management/financial-management-practice-manual)  [Gifts and Benefits Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Gifts%20and%20Benefits%20Policy.pdf)  [Griffith University Human Research Ethics Manual](https://www.griffith.edu.au/research/research-services/research-ethics-integrity/human/gurem)  [Guide to Responsible Conduct of Commercialisation Activities](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Responsible%20Conduct%20of%20Commercialisation%20Activities.pdf)  [Individual Grievance Resolution Procedure](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Individual%20Grievance%20Resolution%20Procedure.pdf)  [Intellectual Property Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Intellectual%20Property%20Policy.pdf)  [Personal Relationships in the Workplace](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Personal%20Relationships%20in%20the%20Workplace.pdf)  [Philanthropy and Fundraising Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Philanthropy%20and%20Fundraising%20Policy.pdf)  [Private Practice Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Private%20Practice%20Policy.pdf)  [Public Interest Disclosure Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Public%20Interest%20Disclosure%20Policy.pdf)  [Responsible Conduct of Research Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Responsible%20Conduct%20of%20Research%20Policy.pdf)  [Staff Members as Directors of External Entities Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Staff%20Members%20as%20Directors%20of%20External%20Entities%20Policy.pdf)  [Talent Acquisition Policy](https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Talent%20Acquisition%20Policy.pdf) |
| Procedures | N/A |
| Local Protocol | N/A |
| Forms | [Conflict of Interest Disclosure Statement](https://griffitheduau.sharepoint.com/sites/conflict-of-interest/submission) |