

Employee Conflict of Interest Procedure



1 Purpose

To outline the process for identifying, declaring and managing a perceived, potential or actual Conflict of Interest.

2 Scope

This Procedure applies to:

- all Employees
- visiting and adjunct appointees

Exclusions:

- members of the University Council and University committees who are not Employees of the University.

3 Procedure Overview

In accordance with the Code of Conduct Policy and *Public Sector Ethics Act 1994*, this Procedure informs Employees of the process for identifying, declaring and managing perceived, potential or actual Conflicts of Interest.

4 Procedures

This Procedure ensures that Employee conduct meets the highest ethical standards and is aligned with the University's values of respect, integrity and excellence.

Identifying, declaring and managing Conflicts of Interest supports Employees in demonstrating impartiality and integrity when executing their University Responsibilities and Official Duties.

4.1 Responsibilities

4.1.1 University

To ensure that Conflicts of Interest are identified, declared and managed, the University will:

- promote and support a positive approach to the management of perceived, potential or actual Conflicts of Interest;
- provide professional development training opportunities for Delegates, Managers, Supervisors and Employees to promote and raise awareness of their individual responsibility to identify, declare and manage perceived, potential or actual Conflicts of Interest;
- appropriately and securely create, store and archive all documentation pertaining to Conflicts of Interest as provided in the Records and Information Management Policy;
- maintain confidentiality in the management of any perceived, potential or actual Conflicts of Interest;
- ensure that any Personal Information collected, stored, used or disclosed pertaining to Conflicts of Interest is managed according to the University's Privacy Policy;
- provide regular statistical reports and brief the Vice-Chancellor by the Director (Integrity and Professional Conduct) on any issues including but not limited to breaches prior to referring to appropriate external agencies, where applicable.

4.1.2 Delegates, Managers and Supervisors

All Employees who hold delegated authorities under the Delegations Policy for matters including but not limited to financial, Purchasing, contract or People Portfolio activities must ensure that exercising their Delegation does not result in a perceived, potential or actual Conflict of Interest.

All Delegates, Managers and Supervisors have an obligation and responsibility to ensure that appropriate steps are taken to avoid Conflicts of Interest. This includes, but is not limited to, attending regular professional development programs to ensure compliance and to understand their University Responsibilities in creating an environment which values respect, integrity and excellence.

Delegates, Managers and Supervisors are responsible for:

- ensuring that all Employees have completed their mandatory induction and compliance training and are able to attend and participate in professional development training opportunities relating to the need to identify, declare and manage perceived, potential or actual Conflicts of Interest as these opportunities become available;
- ensuring that all Employees are aware of their obligations in relation to the relevant Policy Instruments and to provide advice on appropriate methods to ensure compliance with this Procedure;

- developing a Conflict of Interest Management Strategy in consultation with Employees, where appropriate. The strategy may include a number of options to effectively manage perceived, potential or actual Conflicts of Interest;
- discussing perceived, potential or actual Conflict of Interest matters raised with them in relation to other areas of the University with the Director (Integrity and Professional Conduct);
- ensuring all matters are treated confidentially and in accordance with the University's Privacy Policy and the Public Interest Disclosure Policy.

4.1.3 Employees

It is acknowledged that Conflicts of Interest are not in themselves wrong and can arise without fault, however it is vital that Employees identify, declare and manage Conflicts of Interest effectively. Where doubt exists, the Conflict of Interest must be declared.

Employees are responsible for creating an environment that values respect, integrity and excellence. Employees must:

- complete mandatory induction and compliance activities to ensure they are aware of obligations to comply with this Procedure and disclose any perceived, potential or actual Conflict of Interest;
- regularly attend professional development training programs which raise awareness and outline their responsibility to identify, declare and manage perceived, potential or actual Conflict of Interest;
- take ultimate responsibility for identifying, declaring and managing perceived, potential and actual Conflicts of Interest and must disclose these to their Supervisor, or Delegate where appropriate. Where the Conflict of Interest involves the Employee's Supervisor, the declaration is to be made to the Supervisor's Manager;
- develop a Conflict of Interest Management Strategy in consultation with their Manager or Supervisor, where appropriate. This strategy may include a number of options to effectively manage perceived, potential, or actual Conflicts of Interest.

4.2 Identifying a Conflict of Interest

A Conflict of Interest involves a conflict between an Employee's personal interests or benefits, private interests either Pecuniary or Non-Pecuniary, and their University Responsibilities, whereby the private or personal interests could improperly influence the performance of their Official Duties.

A conflict may arise from a range of factors including, but not limited to, personal relationships, employment outside the University, ownership of shares, companies or property, or using a University related activity to influence an outcome.

Employees may also experience Conflicts of Interest between public service ethics and professional codes of ethics, or with personal beliefs or opinions.

4.2.1 Personal relationships

Employees must declare to the University any situation which may require them to supervise an Employee, or supervise, teach and/or Assess a Student, with whom they currently or previously have had a personal, commercial, familial or other significant relationship.

Employees must also declare any personal relationships that may give rise to a Conflict of Interest including, but not limited to:

- influencing the recruitment, selection, appointment or promotion of Employees;
- impinging on employment related Decisions where one Employee is in a supervisory relationship to another;
- selection for entry into any University Course/s or program/s;
- Assessment;
- selection for prizes or scholarships;
- project, practicum, or dissertation supervision;
- disciplinary matters;
- determining access to resources.

Employees who become involved in a situation where a personal relationship is a source of actual or perceived Conflict of Interest must declare this to their Supervisor in the first instance and withdraw from the situation giving rise to the conflict.

4.2.2 Private interests

Employees must declare to the University any perceived, potential or actual Pecuniary or Non-Pecuniary Conflict of Interest that may result in personal advantage, including Conflicts of Interest with outside employment.

It is recognised that some outside employment undertaken by Employees may ultimately be of benefit to the University and its reputation. The University may grant approval for Employees to

undertake such paid or unpaid outside employment whilst the Employee has a current employment contract with the University. Such outside employment is subject to the Policies and Procedures of the University.

Conflicts of Interest with outside employment includes:

- an Employee being a government official in an agency which has responsibility for some aspect of Policy affecting the University, or being an owner/operator of a business providing Goods and/or Services to the University;
- an academic Employee teaching at another University without obtaining approval through the Outside Employment Undertaken by USQ Employees Procedure.

4.2.3 Personal benefits

Employees must declare to the University any perceived, potential or actual Conflicts of Interest that may result in or be perceived as, an incentive or inducement to perform or not perform an official function, duty or responsibility.

Employees should refer to the Gifts and Benefits Procedure for guidance.

4.3 Declaration of a Conflict of Interest

An Employee must declare a perceived, potential or actual Conflict of Interest where it relates to:

- a personal relationship;
- a personal interest or benefit;
- private benefit; or
- internal and external committee, board or tribunal memberships.

Conflicts of Interest, perceived, potential or actual, must be declared at an Employee's annual performance review.

Where a conflict arises that has not been declared in the annual performance review, or arises in incidental or ad hoc circumstances, the Employee must make a declaration to their Supervisor using the Declaration of Conflict of Interest Form as soon as practicable after identifying a perceived, potential or actual Conflict of Interest.

Where an Employee believes that a Conflict of Interest may exist relating to another Employee, they are encouraged to discuss the matter with their immediate Supervisor. Employees may

also report the Conflict of Interest through the Public Interest Disclosure Policy.

4.3.1 Assessing and recording declarations

Supervisors will review each declaration and, where appropriate, work with the Employee to develop a Conflict of Interest management strategy to address the conflict.

The Director (Integrity and Professional Conduct) will maintain a Conflicts of Interests Register, together with any developed Conflict of Interest Management Strategies, where the conflicts are of a material or ongoing nature.

4.3.2 Committee conflicts

An Employee who is a University committee member who has an interest in a matter before that committee must declare that interest to the committee. This declaration must be recorded in the minutes of the committee meeting at which the declaration was made.

Employees must also declare all committee and board memberships and directorships held in public or private companies or organisations in accordance with the Outside Employment Undertaken by USQ Employees Procedure.

4.3.3 Changes to declared Conflicts of Interest

An Employee must submit a revised Declaration of Interests Form where a Conflict of Interest previously declared has been or is materially altered.

4.4 Managing a Conflict of Interest

Once a conflict is identified and declared, a Conflict of Interest Management Strategy must be developed by the Employee and their Supervisor to appropriately manage or resolve the conflict. This may include but is not limited to:

- the Employee withdrawing from the situation leading to the conflict,
- restricting the Employee's involvement; or
- where the Conflict of Interest cannot be adequately mitigated or avoided, seeking further advice from the Director (Integrity and Professional Conduct).

When a Conflict of Interest Management Strategy is developed it must be signed by the Employee and their Supervisor, added to the Conflict of Interest Register and stored in a confidential and secure location. The Strategy will be reviewed annually at the time of the Employee's performance review or on an as needs basis.

4.5 Failure to declare a Conflict of Interest

Employees found to have failed to identify, declare and appropriately manage a perceived, potential or actual Conflict of Interest may be subject to the University's disciplinary Procedures. Some breaches may also have consequences under criminal or civil jurisdictions.

4.6 Privacy and confidentiality

All Information relating to Conflicts of Interest will be treated as confidential.

Any Personal Information collected, stored, used or disclosed under this Procedure will be managed in accordance with the University's Privacy Policy.

Information will only be released if required by Regulatory Compliance Instruments.

5 References

Nil.

6 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

7 Procedure Information

Accountable Officer	Vice-Chancellor
Responsible Officer	Chief People Officer
Policy Type	University Procedure
Policy Suite	Conflict of Interest Policy
Subordinate Schedules	
Approved Date	5/6/2019
Effective Date	5/6/2019
Review Date	3/4/2022
Relevant Legislation	Corporations Act 2001 Integrity Act 2009

	<u>Public Sector Ethics Act 1994</u>
Related Policies	<u>Code of Conduct Policy</u> <u>Council Conflict of Interest Policy and Procedure</u> <u>Delegations Policy</u> <u>Financial Management and Accountability Policy</u> <u>Fraud and Corruption Management Policy</u> <u>Privacy Policy</u> <u>Professional Services Policy</u> <u>Public Interest Disclosure Policy</u> <u>Records and Information Management Policy</u> <u>Recruitment, Selection and Appointment Policy</u> <u>Research Code of Conduct Policy</u> <u>Student Academic Integrity Policy</u> <u>Student Grievance Resolution Policy</u> <u>Working Hours and Arrangements Policy</u>
Related Procedures	<u>Disciplinary Action for Misconduct or Serious Misconduct Procedure</u> <u>Gifts and Benefits Procedure</u> <u>Outside Employment Undertaken by USQ Employees Procedure</u> <u>Research Code of Conduct: Management of Potential Breaches Procedure</u>
Related forms, publications and websites	<u>Conflict of Interest Website</u> <u>Conflict of Interest Management Strategy</u> <u>Declaration of Conflict of Interest Form</u> <u>Gifts and Benefits Register</u>
Definitions	Terms defined in the Definitions Dictionary <u>Assess</u>

The process used to determine Student's achievement of expected Learning Outcomes and may include a range of written and oral methods and practice or demonstration.

[Assessment](#)

The process of evaluating the extent to which Students have achieved the objectives of a Course.

[Conflict of Interest](#)

If a University Member has an interest that conflicts or may conflict with the discharge of the University Member's duties the University Member should Declare the nature of the interest and the conflict to the University Member's Supervisor as soon as practicable after the relevant facts come to the University Member's knowledge and must not take action or further action relating to a matter that is or may be affected by the conflict until authorised. An Executive Leader may direct a University Member to resolve a conflict or possible conflict between an interest of the University Member and the University Member's duties. A reference to an interest or to a Conflict of Interest is a reference to those matters within their ordinary meaning under the general law, and, in relation to an interest, the definition in the Acts Interpretation Act 1954, Schedule 1, does not apply. A Conflict of Interest will arise when a University Member's Private Interests conflict with their duty to the University or to serve the public interest as a University Member. The risk of having a conflict of interest increases where a University Member's responsibilities include the authority to make decisions. A conflict of interest may be potential, perceived or actual - when a University Member is in a role where future decision making may be influenced by their Private Interests if a certain condition is fulfilled, they have a potential conflict of interest; a perceived conflict of interest arises where it appears that decisions a University Member make in the course of their University employment may be influenced by their Private Interests, whether or not this is in fact the case; an actual conflict of interest exists where a University Member's actions could be unduly, improperly or excessively influenced by their Private Interests. Serious misconduct can occur when a conflict of interest is concealed, understated, mismanaged or abused.

[Course](#)

A discrete element of a program, normally undertaken over a single Teaching Period, in which the Student enrolls, and on completion of which the Student is awarded a grade.

[Decision](#)

A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University.

[Delegate \(noun\)](#)

Delegate (noun) means the officer, Employee or committee of the University to whom, or to which, a delegation of authority has been made under this Policy.

[Delegation](#)

A formal authority or power granted to Council members, Employees and Council committees to make Decisions on behalf of the University.

[Employee](#)

A person employed by the University and whose conditions of employment are covered by the USQ Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

[Goods and/or Services](#)

Goods and/or Services can be either produced by the University for which fees can be charged, or acquired by the University. Goods and/or Services produced are tangible and/or intangible products which are the outcome of human effort and/or knowledge that the University is either obliged to charge or has a right to charge a third party for the provision of these products. Goods and/or Services acquired are tangible and/or intangible products which are the outcome of human efforts and/or knowledge acquired to meet University needs. Goods and/or Services can be in the form of physical goods or intangible services.

[Information](#)

Any collection of data that is processed, analysed, interpreted, organised, classified or communicated in order to serve a useful purpose, present facts or represent knowledge in any medium or form. This includes presentation in electronic (digital), print, audio, video, image, graphical, cartographic, physical sample, textual or numerical form.

[Manager\(s\)](#)

A University Member who is responsible for managing staffing and physical resources of the University.

[Non-Pecuniary Interest](#)

Does not involve a financial component but may arise from personal or family relationship or involvement in sporting, social or cultural activities. It can include but is not limited to any favour or prejudice from friendship, animosity or other personal involvement that could lead to actual or potential bias in the exercise of judgement or discretion or the making of a Decision.

[Pecuniary Interest](#)

Involves an actual or potential financial gain or loss. For example:
Existing proprietary, contractual and employment rights
Existing liabilities / obligations
Interests created by, in, or under a decision or transaction effected by the University
Indirect economic relationships (share price value)
Expectancies (future economic interests, employment opportunities etc.)

[Policy](#)

A high level strategic directive that establishes a principle based approach on a subject. Policy is operationalised through Procedures that give instructions and set out processes to implement a Policy.

[Policy Instrument](#)

The tools and instruments used by the University to implement its Policies, including but not limited to, Procedures, charters, schedules and manuals.

[Procedure](#)

An operational instruction that sets out the process to operationalise a Policy.

[Regulatory Compliance Instrument](#)

An external compliance instrument provided by legislation, regulation, standards, statutes or rules, including subordinate instruments.

[Student](#)

A person who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an

approved Leave of Absence or whose admission has not been cancelled.

[University](#)

The term 'University' or 'USQ' means the University of Southern Queensland.

Definitions that relate to this procedure only

Official Duties

Job requirements as stated in an Employee's position description, duty statement or contract of employment.

Supervisor

Any person responsible for leading the activities of others. In the context of this Procedure, a Supervisor includes Employees at any classification level or title who have responsibilities for leading, managing or supervising work teams and/or individual Employees.

University Responsibilities

University Responsibilities include administrative obligations derived from:

- *Financial Accountability Act 2009*
- *Financial and Performance Management Standard 2019*
- *University of Southern Queensland Financial Management Practice Manual*
- *Right to Information Act 2009*
- *Crime and Corruption Act 2001*
- *Judicial Review Act 1991*
- *Libraries Act 1988*
- *University of Southern Queensland Act 1998*
- *Queensland Procurement Policy, and*
- Individual's contract of employment

	<p>They also include ethics obligations derived from:</p> <ul style="list-style-type: none">• <i>Public Sector Ethics Act 1994</i> <p>Performance obligations are derived from instructions for the task in hand.</p>
Keywords	
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