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### Conflict of Interest Procedure

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#### 1. Purpose

To clarify responsibilities for members of the University community and students of the University and provide a process for resolving an actual, potential or perceived conflict of interest.

#### 2. Scope

This procedure applies to all members of the University community and students of the University who may be in a position to influence decisions according to their own interests or personal beliefs in areas including but not limited to:

- student selection for entry to the University
- student assessments
- employment of staff
- selection of staff
- awarding tenders
- selection of contractor or vendors for University services or purchases
- authorisation of expenditure
- where a member of the University community holds secondary employment that may compromise their responsibilities with the University.

#### 3. Definitions

**Close personal relationship** means a relationship which arises from being a member of immediate or extended family, or in a relationship which gives rise to a real or potential conflict of interest and includes such matters as matrimonial (including defacto), sexual, business and financial relationships.

**Conflict of Interest** is assessed in terms of the likelihood that members of the University community possessing a particular interest could be improperly influenced, or might appear to be improperly influenced, in the performance of their duties.

**Members of University community** includes full-time, part-time, sessional or casual staff employed by the University, contracted staff, members of the University Council and members of any board, committee or other body established by or constituted under the University Statutes and Regulations.

**Student** means any person enrolled as a student of the University. This includes full-time, part-time, block-mode or distance education students.

**Supervisor** normally means the management position to which the staff member reports. However, this position must be no less than a Head of School or Head of Section.

#### 4. Actions

If a member of the University community considers that a conflict of interest does, or may, exist they are required to disclose the matter to their Supervisor in the instance of staff and the Secretary to Council for all other members of the University community. The remainder of section 4 provides a process for dealing with specific instances of conflict of interests, however, all conflicts or potential conflicts should be declared regardless of a specific mention in this Procedure.

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#### **A. Close Personal Relationships**

##### *Involving Students*

- A1 Where a member of the University community has a close personal relationship with a student, that member of the University community shall not participate in or contribute to that student's-
- (a) selection for entry to the University;
  - (b) selection for entry into any undergraduate or postgraduate course offered by the University;
  - (c) assessment of student progress;
  - (d) classification for honours;
  - (e) selection for any scholarship or prize;
  - (f) honours or postgraduate supervision;
  - (g) disciplinary proceeding;
  - (h) application for student loan;
  - (i) application or assessment for support services.
- A2 Subject to A3 below, where a close personal relationship between a staff member and a student has created, or has the potential to create a conflict in the supervision and/or assessment of the student, the staff member must formally terminate any supervisory and/or evaluative role and make alternative arrangements for the supervision and/or evaluation of the student's work.
- A3 If the Head of School believes it is not altogether possible for a staff member to avoid the supervision and/or assessment of a student with whom he or she is involved in a close personal relationship, the Head of School must determine and oversee an alternative arrangement for the supervision and/or assessment of the student's work and inform the Vice-Chancellor of the alternative arrangement.
- A4 If a student needs to submit a medical certificate for any purpose which affects his or her assessment, the student may not submit a medical certificate from a person with whom the student has a close personal relationship.

##### *Involving Staff*

- A5 Where a member of the University community has a close personal relationship with a staff member that member of the University community shall not:
- (a) be the direct supervisor of the staff member;
  - (b) be involved in decision making or procedures leading to the appointment, promotion, disciplinary proceedings or any other determination relating to employment conditions, benefits or entitlements for the staff member;
  - (c) have access to the personal files of the staff member.
- A6 If the Supervisor believes it is not altogether possible for a staff member to avoid the supervision of another staff member with whom there exists a close personal relationship, the Supervisor must report the matter to the appropriate Deputy Vice-Chancellor or Pro-Vice-Chancellor who will determine and oversee an alternative arrangement for the supervision of the staff member and inform the Vice-Chancellor of the alternative arrangement.
- A7 A staff member may not submit a medical certificate, for any purpose, from a person with whom the staff member has a close personal relationship.

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#### **B. Directorships and Shareholdings**

- B1 Directors have a duty to avoid any actual or potential conflict between their duty to the company and their duty to the University as a third party. The Council of the University shall have sole responsibility for all dealings in relation to the University's interests in a company.
- B2 To prevent such conflicts of interest arising a member of the University community shall:
- (1) request permission from the Finance Committee of the Council to participate in the formation of, or be a member of, or hold a directorship in a company that has or may have a commercial or financial interest with the University;
  - (2) make no commitment to or for the benefit of the company on behalf of the University;
  - (3) not accept (nor have a member of his/her family or a family trust or company accept) a shareholding or interest in a company in lieu of a contribution made to the company by the staff member in their capacity as an officer of the University;
  - (4) have no authority to deal with a shareholding owned by the University.

#### **C. Financial Conflicts**

- C1 A financial conflict of interest (or pecuniary interest) may arise:
- (a) where a staff member who has budgetary responsibilities for an organisational unit also has a personal interest (or a person with whom the member has a close personal relationship has a personal interest) in an activity that is to be funded out of that unit;
  - (b) from a University researcher's financial involvement in an external company that funds part of the research being undertaken by the researcher at the University, such that the researcher's activities at the University could lead to professional, personal or economic gain, thereby providing incentive to bias the design, conduct or reporting of research;
  - (c) with respect to University financial decisions in which a member of the University community is involved, including but not limited to investments, loans, purchases or sales of goods, services, equity (shares) and financial accounting decisions;
  - (d) with respect to matters with both financial and non-financial implications, such as decisions about the use of University equipment and facilities and the negotiation of research and license agreements.

#### **D. Acceptance of gifts**

- D1 In this section, "gifts" should be used in its broadest context (for example, plaques, jewellery or an invitation to a corporate event).
- D2 The University does not encourage the proffering of gifts in the workplace. However, subject to D3 below, a staff member may give or accept a gift which is offered as part of a social, cultural or ceremonial practice.
- D3 If an acceptance of a gift in direct or indirect relation to performance of a member of the University community may be regarded as acceptance of inducement to act in a certain way, thereby creating a real or perceived conflict of interest, a member of the University community should not accept the gift.

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#### **E. Vice-Chancellor and Chancellor**

- E1 Where the Vice-Chancellor expresses an actual or perceived conflict of interest, or where the Vice-Chancellor is involved in the matter, the Chancellor shall be deemed to be the Supervisor for the purposes of this procedure. If a conflict of interest is deemed to exist, the Secretary to Council shall liaise with the Chancellor to resolve the matter.
- E2 Where the Chancellor expresses an actual or perceived conflict of interest, or where the Chancellor is involved in the matter, the Vice-Chancellor and one Deputy Chancellor shall be deemed to be the Supervisor for the purposes of this procedure. If a conflict of interest is deemed to exist, the Secretary to Council shall liaise with the Vice-Chancellor and the Deputy Chancellor to resolve the matter.

#### **F. Failure to disclose**

- F1 A staff member may be directed to provide information and failure to do so will be regarded as a breach of the Conflict of Interest Policy and Procedure. Any failure to comply with this policy and procedure may be regarded as misconduct or serious misconduct, depending on the nature of the conflict of interest, and may be subject to discipline action.
- F2 Other members of the University community, excluding staff, who fail to comply with this policy and procedure may, in accordance with Statute 1.2 and the *University of Ballarat Act*, be removed from office.

### 5. Responsibilities

**Members of University Council or members of any board, committee or other body established by or constituted under the University Statutes and Regulations** who consider that a conflict of interest does, or may, exist must immediately disclose the matter, confidentially, to the Secretary to Council.

**Staff members** who consider that a conflict of interest does, or may, exist must immediately disclose the matter, confidentially, to their Supervisor.

**Supervisors** who receive a disclosure shall determine whether any conflict of interest exists, seeking appropriate advice and shall:

- (a) acknowledge the disclosure; and
- (b) if appropriate, authorise the staff member to continue in his/her current duties and put in place additional processes to ensure the impartiality of the staff member in performing their duties; or
- (c) re-organise the duties of the staff member to remove the conflict of interest; and/or
- (d) report the matter to the Head, Human Resources for determination of other appropriate action.

**The Secretary to Council** who receives a disclosure shall liaise with the Chancellor to resolve the matter.

### 6. Policy Base

*University of Ballarat Act 1993* (section 16)

Statute 1.3 – Meetings (section 2)

Conflict of Interest Policy

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Maintained by: Pro-Vice-Chancellor (Governance & External)

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### 7. Associated Documents

University of Ballarat Council Standing Resolution “*Procedure for Disclosure and Management of Potential Conflicts of Interest*” approved at CM2/03 held 26 March 2003.

### 8. Forms/Record Keeping

*Completed forms often become important records. Records, other than completed forms, generated by this procedure should also be listed. For each record, list its title, location, responsible officer and minimum retention period. This information could be set out in a table as shown below.*

Title	Location	Responsible Officer	Minimum Retention Period