Conflict of Interest Disclosure and Management Policy

Version	Approved by	Approval date	Effective date	Next review
2.1	Vice-Chancellor	24 February 2022	14 March 2022	March 2024

Policy Statement	
Purpose	This Policy sets out the obligations of UNSW staff to disclose and manage conflicts of interests. The Policy operates in conjunction with the *Conflict of Interest Disclosure and Management Procedure*.
Scope	This Policy applies to all staff in respect of all their UNSW work, duties and functions, including when using UNSW resources, when participating in UNSW-related activities such as work-related events or travel, conferences or sabbaticals, and in any other circumstances in which a staff member is acting for, or representing, UNSW.
Policy Provisions	

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1. Introduction & objectives of this policy

The University is committed to creating and maintaining an environment and culture which reflects its values of integrity, transparency and ethical decision making. Effective conflict of interest management ensures public trust and confidence in an organisation.

The UNSW *Code of Conduct* places an overarching obligation on all staff to act in the best interests of the University at all times. Staff have obligations with respect to their personal and professional conduct, including an obligation to act appropriately when a conflict arises, or may be seen to arise, between their private interests and their duty to UNSW.

This Policy outlines the principles for managing conflicts of interest so that staff understand and fulfil their obligations where there is a conflict between their private interests and their obligations to UNSW. Failure to comply with this policy may result in disciplinary measures, termination of employment or contracts, or referral to external agencies for investigation.

UNSW acknowledges that not all private interests will impact on UNSW. However, from time to time those interests (or duties owed to another person) can give rise to a conflict with the obligations owed by staff to UNSW.

This Policy:
- defines a conflict of interest
- sets out issues that may give rise to a conflict of interest
- sets out the University's requirements on disclosing and managing conflicts of interest

The UNSW *Conflicts of Interest Disclosure and Management Procedure* sets out the steps for declaring certain private interests and identifying, disclosing and managing a conflict of interest.

2. What is a conflict of interest?

A conflict of interest involves a conflict between the private interests of a staff member (or their duties to another person) and their functions, duties and responsibilities as a staff member of UNSW.[1] The existence of a such a conflict may improperly influence decisions or actions of a UNSW staff member.

[1] Managing Conflict of Interest in the Public Service: OECD Guidelines and Overview, 2003, p. 24

Conflicts of interest may be:

- Actual: involving a direct conflict between current duties and responsibilities and existing private interests or duties
- Perceived: involving a perception or appearance to a reasonable observer that private interests or duties could improperly influence the performance of a staff member or consultant's duties–whether or not this is in fact the case
- Potential: involving the possibility that a private interest or duty could conflict with a staff member's functions, duties and responsibilities.

The *Conflict of Interest Disclosure and Management Procedure* provides more information about the circumstances in which a conflict of interest can arise.

3. Types of conflicts

Staff must be aware of the different types of conflicts of interest that can arise and disclose and appropriately manage any conflict of interest in accordance with this policy and the *Conflict of Interest Disclosure and Management Procedure* as they arise.

Staff should carefully consider the following areas in which conflicts may arise:

Private interests

Staff can have a variety of private interests, including financial interests, professional and business interests, directorships and other office holdings (which create duties owed to other people) and personal relationships (for example, a family member, close friend, business associate or other person with whom you have a personal relationship). Financial interests can include any right, claim, title or legal share in something having a monetary or equivalent value, including (but not limited to) shares, share options and the right to receive remunerations such as salary, consulting fees, allowances, commissions, discounts or other similar payments.

Many private interests will never give rise to a conflict of interest with the staff member's duties to UNSW. However, a conflict of interest may arise when staff gain a personal advantage or avoid disadvantage due to their role or having access to information that is not available to others.

It is important for staff to be aware of their private interests and understand that a conflict of interest between those private interests and the interests of UNSW may arise at any time and must to be disclosed.

Personal relationships

Staff must avoid conflicts of interest between their personal relationships and their University responsibilities.

For example, 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, or with whom they have a business relationship or where a personal financial interest exists.

Personal 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 University duties. The *Gifts and Benefits Policy* outlines when staff must disclose receipt of gifts and benefits.

Research

In addition to the requirements of this policy, researchers have additional disclosure requirements under UNSW's *Research Code of Conduct,* research ethics processes, and under the terms of business of publishers and journals as well as grant funding bodies.

Commercialisation

The University recognises that conflicts of interest may arise where staff seek to commercialise their research for example through a spin out company. Conflicts of interest in this context may be particularly complex and both the UNSW Legal Office and Knowledge Exchange must be consulted to ensure that all conflicts of interest are identified and properly managed.

4. Disclosure requirements

UNSW expects that all staff will consider their circumstances and make the required assessment about whether their private interests or duties give rise to a conflict of interest. Where a conflict of interest is

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identified, staff must immediately disclose the conflict of interest and comply with any management plan put in place to manage or resolve the conflict.

All staff should complete a Disclosure of Interests Form annually when requested, even if they do not have any interests to declare.

New staff should complete a Disclosure of Interest Form within 14 days of commencing employment at UNSW.

The process for disclosing conflicts of interest is set out in the *Conflict of Interest Disclosure and Management Procedure*. If in doubt, staff should assume there is a conflict of interest and make a disclosure.

Researchers are also expected to disclose conflicts of interest to funding and other bodies as required.

5. Failure to comply with this Policy

Failure to comply with this Policy and the *Conflict of Interest Disclosure and Management Procedure*, including refusing to take any reasonable action as directed to resolve or manage a conflict of interest, may lead to adverse consequences for both individual staff members and UNSW itself, as below:

- disciplinary action up to and including termination of employment;
- referral to and action being taken by external agencies such as the Audit Office of NSW, ICAC and the NSW Ombudsman, and/or notifications to ethics committees, journals/publishers and funding agencies such as the ARC/NHMRC; and/or
- legal action by third parties against UNSW and/or the individuals concerned.

Importantly, failure to identify and properly manage conflicts of interest may cause serious and lasting reputational harm to UNSW, to the detriment of students, staff, alumni and our business relationships.

6. Confidentiality of disclosure

Personal information disclosed as part of compliance with this Policy and the *Conflict of Interest Disclosure and Management Procedure* will be managed in accordance with the UNSW *Privacy Policy*. Disclosure of a conflict of interest may create a risk of disclosing confidential information belonging to a third person. Staff members who are concerned about the disclosure of third-party confidential information should seek advice assistance from the from the UNSW Legal Office.

7. Reporting suspected conflict of interest

Concerns over conflicts of interest may be reported through the *Staff Complaint Procedure* or the *Report Wrongdoing Procedure*.

Accountabilities	
Responsible Officer	Chief Human Resources Officer
Contact Officer	Lead Human Resources Business Partner
Supporting Information	
Legislative Compliance	This Policy supports the University's compliance with a range of legislation including: *Independent Commission Against Corruption 1988* (NSW) *University of New South Wales Act 1989* (NSW) *Corporations Act 2001* (Cth) *Foreign Influence Transparency Scheme Act 2018* (Cth)

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Supporting Documents	Conflict of Interest Disclosure and Management Procedure Guidelines published by the Research Integrity Unit: *Conflict of interest – Recognising and managing conflict of interests in research*. *Public Health Service/National Institute of Health Awards Financial Conflict of Interest (FCOI) Procedure*.
Related Documents	Code of Conduct Research Code of Conduct UNSW Guidelines for Commercial Activities Fraud and Corruption Prevention Policy Gifts and Benefits Policy Gifts and Benefits Procedure Gift Acceptance Policy Paid Outside Work by Academic Staff Policy Privacy Policy Report Wrongdoing Policy Report Wrongdoing Procedure Staff Complaint Procedure Procurement Policy Procurement Procedure University of New South Wales (Professional Staff) Enterprise Agreement University of New South Wales (Academic Staff) Enterprise Agreement
Superseded Documents	Conflict of Interest Disclosure and Management Policy v2.0
File Number	2021/006417

Revision History

Version	Approved by	Approval date	Effective date	Sections modified
1.0	UNSW Council	18 April 2005	18 April 2005	
1.1	Administrative update by Head, Governance Support	9 February 2010	9 February 2010	Section 6, 7, 9, 11 and 14
1.2	Administrative update by Head of Governance	18 February 2016	29 February 2016	Administrative update reflecting changes in senior leadership roles.
1.3	Administrative update by the Director of Governance	8 August 2017	15 August 2017	Update reflecting changes in senior leadership roles.
2.0	President and Vice-Chancellor	4 March 2021	15 March 2021	Full review
2.1	Vice-Chancellor	24 February 2022	14 March 2022	Updated Responsible Officer; amendment to section 4 to clarify annual disclosure requirement.

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