



Version	Approved by	Approval date	Effective date
2.2	Chief People Officer	16 May 2024	16 May 2024
Policy Statement			
Purpose	<p>This Policy sets out the obligations of UNSW employees to identify, disclose and manage actual, perceived or potential conflicts of interests, including outside work. There are additional obligations for employees and research integrity advisors receiving a disclosure.</p> <p>This Policy operates in conjunction with the Conflict of Interest Disclosure and Management Procedure and is aligned with the Australian Code for the Responsible Conduct of Research and related Guides including the Disclosure of interests and management of conflicts of interest.</p>		
Scope	<p>This Policy applies to all employees 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; when undertaking research, grading or procurement; and in any other circumstances in which an employee acts for, or represents, UNSW.</p>		
Policy Provisions			

1. Introduction & objectives of this policy

The University is committed to creating and maintaining an environment and culture 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 and Values places an overarching responsibility on all employees to act in the best interests of UNSW at all times. Employees 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 employees understand and fulfil their obligations to make full disclosure of all facts 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 employees of UNSW.

This Policy:

- defines a conflict of interest
- sets out issues that may give rise to a conflict of interest including outside work and
- 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.

The [Australian Code for the Responsible Conduct of Research](#) guide for [Disclosure of interests and management of conflicts of interest](#) sets out best practice in the context of research.

2. What is a conflict of interest?

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

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 an employee duties – whether or not this is in fact the case
- Potential: involving the possibility that a private interest or duty could conflict with an employee'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

Employees 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.

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

Private interests

Employees 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 employee's 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 employee's duties to UNSW. However, a conflict of interest may arise when an employee (or a member of their family, a close friend or an associate) gains a personal advantage or avoids disadvantage due to the employee's role or having access to information that is not available to others.

It is important for employees 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 be fully disclosed.

Professional interests

Academic employees

Academic employees are required to ensure that any outside work is in accordance with the UNSW [Paid Outside Work by Academic Staff](#) Policy.

Professional employees

Generally UNSW expects that professional employees will not perform outside work which is related to their work at UNSW or has the capacity to impact work performance for UNSW. However, the University recognises that there may be some circumstances when a professional employee may perform outside work that could be considered related to their work at UNSW. Such outside work is only permitted if it has been disclosed in advance to the employee's manager/supervisor, and it:

- Does not compromise the employee's integrity and independence;
- Does not conflict with their UNSW work or adversely affect their UNSW work performance; and
- Does not involve UNSW time or resources.

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

Personal relationships

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

For example, an employee 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 an employee (or a family member, a close friend or an associate) receives a gift or benefit that is, or may be perceived as, influencing the performance of the employee's University duties. The [Gifts and Benefits Policy](#) outlines when an employee must disclose receipt of gifts and benefits.

Research

In addition to the requirements of this policy, researchers have additional disclosure requirements under UNSW's [Code of Conduct and Values](#), the [Australian Code for the Responsible Conduct of Research](#), [research ethics](#) processes, and under the terms of business of publishers and journals as well as grant funding bodies.

Institutes and researchers must promptly disclose interests to research participants, researchers, funding bodies, journal editors, publishers, institutes and the public.

Commercialisation

Commercial and external activities related to work or research must be discussed with the relevant manager, supervisor or Head of School prior to engagement and commencement.

UNSW recognises that conflicts of interest may arise where an employee seeks to commercialise IP or research with external parties such as a spin out or start-up company. Conflicts of interest in this context may be particularly complex and both the UNSW Legal & Compliance Office and Industry & Innovation must be consulted to ensure that all conflicts of interest are identified and properly managed.

4. Disclosure requirements

UNSW expects that all employees 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 identified, employees must immediately disclose the conflict of interest and comply with any management plan put in place to manage or resolve the conflict.

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

New employees must complete a Disclosure of Interests Form within 14 days of commencing employment at UNSW.

People receiving a disclosure have additional responsibilities to take action as articulated in section 6 of the [Conflict of Interest Disclosure and Management Procedure](#).

The process for disclosing conflicts of interest is set out in the [Conflict of Interest Disclosure and Management Procedure](#). If in doubt, employees should assume there is a conflict of interest and make a disclosure.

Researchers are also required 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 employees 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, the NSW ICAC, the ACT Integrity Commission and the NSW or ACT 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 can cause serious and lasting reputational harm to UNSW, to the detriment of students, employees, 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. Employees who are concerned about the disclosure of third-party confidential information should seek advice assistance from the UNSW Legal & Compliance Office.

7. Reporting suspected conflict of interest

Concerns over conflicts of interest may be reported through the [Complaints Management and Investigation Policy and Procedure](#) or the [Public Interest Disclosure \(Whistleblowing\) Policy and Procedure](#).

Accountabilities	
Responsible Officer	Chief People Officer
Contact Officer	Lead Human Resources Business Partner
Supporting Information	
Legislative Compliance	<p>This Policy supports the University's compliance with a range of legislation including:</p> <p>Independent Commission Against Corruption 1988 (NSW)</p> <p>Integrity Commission Act 2018 (ACT)</p> <p>University of New South Wales Act 1989 (NSW)</p> <p>Corporations Act 2001 (Cth)</p> <p>Foreign Influence Transparency Scheme Act 2018 (Cth)</p>
Supporting Documents	<p>Conflict of Interest Disclosure and Management Procedure</p> <p>Guidelines published by the Research Integrity Unit: <i>Conflict of interest – Recognising and managing conflict of interests in research</i>.</p> <p>National Institute of Health Financial Conflict of Interest (FCOI).</p>
Related Documents	<p>Code of Conduct and Values</p> <p>Complaints Management and Investigation Policy and Procedure</p> <p>Third-party Arrangements (including Commercial Activities) Policy</p> <p>Finance Policy</p> <p>Fraud and Corruption Prevention Policy</p> <p>Gifts and Benefits Policy</p> <p>Gifts and Benefits Procedure</p> <p>Gift Acceptance Policy</p> <p>Paid Outside Work by Academic Staff Policy</p> <p>Privacy Policy</p> <p>Public Interest Disclosure (Whistleblowing) Policy and Procedure</p> <p>University of New South Wales (Professional Staff) Enterprise Agreement</p> <p>University of New South Wales (Academic Staff) Enterprise Agreement</p>
Superseded Documents	Conflict of Interest Disclosure and Management Policy v2.1
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.
2.2	Chief People Officer	16 May 2024	16 May 2024	Amendment to align with the Code of Conduct and Values.

Archived document