



Version	Approved by	Approval date	Effective date	Next full review
1.1	Vice-Chancellor	24 February 2022	14 March 2022	March 2024
Procedure Statement				
Purpose	The Procedure sets out the steps to be taken under the Conflict of Interest Disclosure and Management Policy to: • identify a conflict of interest • disclose a conflict of interest • manage a conflict of interest and • fulfil the obligations of the supervisor of the staff member when a conflict of interest has been disclosed.			
Scope	This Procedure 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.			
Are Local Documents on this subject permitted?	☐ Yes, however Local Documents must be consistent with this University-wide Document			☒ No
Procedure Processes and Actions				

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1. Introduction

The [Conflict of Interest Disclosure and Management Policy](#) places an obligation on all staff to act appropriately when a conflict arises, or may be seen to arise, between a staff member's private interests and their duty to UNSW.

The [Conflict of Interest Disclosure and Management Policy](#) requires all staff to:

- disclose any conflict of interest
- comply with any management plan in place to manage or resolve the conflict.

This Procedure sets out the steps to be taken by staff and their supervisor (typically the Head of School or Head of Business Unit) to support compliance with the UNSW *Conflict of Interest Disclosure and Management Policy*.

2. Identifying a conflict of interest and the conflict of interest test

The first step in disclosing a conflict of interest is identification.

Conflicts of interest may not be obvious. Sometimes the circumstances can give rise to more than one type of conflict of interest, whether actual, perceived or potential. A conflict of interest does not always involve an opportunity to gain an advantage. Sometimes a conflict of interest involves avoiding a disadvantage. Usually, the advantage or disadvantage is financial, but this is not always the case.

It is not always easy to decide when private interests or duties are, or might be, in conflict with obligations owed to UNSW.

The key test is:

whether a staff member could be influenced, or appear to be influenced, by a private interest in carrying out their duties to UNSW.

The test is objective – what is essential is that consideration is given as to how a situation may appear to a reasonable observer. The question to ask is:

what would a reasonable observer, unconnected to the situation, think?

Guidance and assistance in identifying a conflict of interest can be sought from:

- the staff member's supervisor, Head of School, Faculty Executive Director or Director of Operations
- Human Resources Business Partners
- the UNSW Legal Office
- the Director, Knowledge Exchange for matters related to spin out and start-up companies, commercialisation of IP and research with external parties where the staff member has an interest.

A staff member or supervisor who is uncertain about whether a situation involves an actual, perceived or potential conflict of interest should seek advice prior to determining if a disclosure is required. Where a staff member remains unsure about whether a conflict of interest exists or there is debate between staff member, supervisor and advisors about whether there is a conflict of interest, a disclosure should always be made.

3. Disclosing a conflict of interest

It is the responsibility of the staff member to disclose the conflict of interest as soon as it is identified.

The *Disclosure of Interests Form* must be used to disclose the conflict of interest. In completing the *Disclosure of Interests Form* full details of the conflict of interest must be provided so that UNSW can properly assess and manage or resolve the conflict. The details to be disclosed include:

- The nature of the private interest involved in the conflict of interest. For example, does the conflict of interest involve a personal or family relationship, professional or a financial interest? Financial interests include any right, claim, title or legal share in something having a monetary value or equivalent, including (but not limited to), shares, share options and the right to receive remunerations such as salary, consulting fees, allowances, discounts or other similar payments.
- Details of the ownership or control of any relevant external entity. This includes:
 - full details regarding the nature of the external entity such as whether it is a company, trust or partnership
 - directorships, shareholdings and any other interests (including equitable interests) held in the external entity
 - if the entity is engaged in any business, details of that business and details of how that business relates to the business or activities of UNSW
- Whether the conflict of interest involves University resources or research conducted by the University

- Whether the conflict of interest may involve procurement of goods or services by the University (including the amounts expected to be paid by the University)
- Benefits/detriments to any person, including the staff member themselves, and any third person (whether family member, close friend, business associate or other person with whom you have a personal relationship), and any entity:
 - In which the staff member has an interest
 - In relation to which the staff member holds a position or office to which the staff member provides services

A completed *Conflict of Interest Disclosure Form* will be provided to the Head of School (for academic staff) or the Faculty Executive Director or Director of Operations (for professional staff) to approve. It is then the responsibility of the approver to ensure the staff member has proposed a plan to manage or resolve the conflict – see 4 - *Managing a Conflict of Interest* below.

In some situations, the person approving the disclosure may also be subject to a conflict. In such cases, the matter should be escalated to the supervisor of that person.

A copy will also be provided to the relevant HR Business Partner, and to the Division of Planning and Assurance who will ensure the disclosure is recorded on the central UNSW Conflict of Interest Register maintained by the Deputy Vice-Chancellor Planning and Assurance.

Researchers must also disclose conflicts of interests to ethics committees, and to other third parties which expect such disclosure, eg grant funding bodies such as the Australian Research Council. These disclosures are required *in addition to* the completion of the *Conflict of Interest Disclosure Form*. Disclosures made to UNSW under this policy do not absolve researchers of other obligations with respect to conflicts of interest.

4. Managing a conflict of interest

Once a conflict of interest is identified and disclosed, the next step is to manage the conflict.

It is sometimes thought that a conflict of interest is sufficiently dealt with if it is disclosed. This is not the case. Disclosure is only the first step and is necessary for the supervisor to decide if further steps need to be taken to manage the conflict of interest properly.

Where a conflict of interest has been identified and subsequently disclosed, it is the responsibility of the staff member to:

- assess the conflict of interest, and
- develop a proper management plan.

Further details about the obligations of the approver are detailed below in 6 – *Approver Responsibilities*.

While a staff member should propose a plan to manage a conflict of interest, their approver will need to approve the proposed management plan. Approvers may propose amendments to the plan and should discuss these with the staff member. Once agreed, staff will be required to co-operate with the management plan and supervisors will participate in the monitoring and review of that management plan to ensure that the conflict is properly managed.

In making their assessment of an appropriate course of action, including the development of a management plan, staff and approvers should have regard to the '6 Rs' of conflict of interest management¹ in the table below:

¹ ¹ Used with permission from the WA Public Sector Commission: <https://icg.wa.gov.au/conflicts-interest>, accessed Nov 2017 (see also https://www.icac.nsw.gov.au/ArticleDocuments/232/Managing-conflicts-of-interest-in-the-nsw-public-sector_June-2019.pdf.aspx)

Register (disclose)	Recording the disclosure of a conflict of interest in a register is an important first step. It will then be necessary to assess the situation and determine an appropriate management plan. There may also be a requirement to disclose it to a funding body, research or industry partner, journal/publisher or ethics committee, in accordance with the terms of funding agreements, research contracts or other contractual or policy requirements.
Restrict	It may be appropriate that the staff member's involvement in the matter be restricted. For example, the staff member may need to refrain from taking part in debate or decision-making about a specific issue. It may also be necessary to restrict access to information relating to an issue which is the subject of the conflict of interest.
Recruit	An independent third party may need to be engaged to participate in, re-do, oversee or review and report on the integrity of a decision-making process or transaction.
Remove	Removing the staff member from involvement in the matter altogether may be the best or only option in some circumstances.
Relinquish	A staff member may be required to relinquish their personal or private interests, or another role or appointment they have, to ensure there is no conflict of interest. This could include, for example, requiring that shares are disposed of in a company, or requiring that the staff member resign from a Board or from membership of a club or association.
Resign	Resignation from UNSW (or terminating a relationship with UNSW) may need to be considered if the conflict of interest cannot be managed or cannot be managed according to the agreed management plan.

A staff member, or approver who is uncertain about whether a proposed management plan meets the requirements of this Procedure should consult with their Human Resources Business Partner (who may also seek advice from the UNSW Legal Office, or the Division of Planning and Assurance).

5. Monitoring and review

Obligations in relation to disclosing a conflict of interest do not end with the establishment of a management plan. They are on-going and staff are required to review their circumstances regularly.

Accordingly, staff are required to report annually on any conflict of interest disclosure. In each report, staff must advise:

- whether the conflict of interest still exists
- what actual steps, consistent with the management plan, have been taken to manage the conflict
- whether the circumstances have otherwise changed such that the management plan should be amended to manage any new issues relating to the conflict of interest.

The type of changes which will normally be required to be disclosed are when there is a change in any of the matters disclosed or required to be disclosed.

Staff will be expected to disclose annually and on an ongoing basis as potential conflicts become apparent.

Consideration will be given by the supervisor and if required the Deputy Vice-Chancellor, Planning and Assurance (or their delegate) as to whether the conflict of interest can still be managed and, if so, whether the management plan needs to be amended.

In addition, if there is any material change in circumstances which affects the disclosure before annual reporting is due, a staff member should notify their supervisor as soon as they become aware of the change. This is particularly important in circumstances where the change means it is no longer possible to take the steps necessary to comply with a management plan.

Any amendments that arise in these circumstances are to be recorded in the *Disclosure of Interests Form* and will be recorded on the Conflict of Interest Register.

6. Approver responsibilities

Head of School (for academic staff) or the Faculty Executive Director or Director of Operations (for professional staff) as approvers have an obligation to ensure that a conflict of interest, once disclosed, is managed appropriately, including by ensuring that the disclosure is submitted through the proper channels for inclusion on the Conflict of Interest Register.

Upon receiving a conflict of interest disclosure from a staff member, approvers are required to:

- ensure the staff members who have made a disclosure develop a plan to manage the conflict of interest, having regard to the '6 Rs' of conflict of interest management outlined in 4 – *Managing conflicts of interest*, the principles set out in the Code of Conduct and the *Conflict of Interest Disclosure and Management Policy*.
- seek appropriate advice as needed from the relevant Human Resources Business Partner, Legal Office, Knowledge Exchange or the Division of Planning and Assurance
- refer consideration of whether disclosure is required or consideration of a proposed management plan is required, to the Division of Planning and Assurance
- ensure that all staff who have disclosed a Conflict of Interest comply with the requirements of the management plan, including the monitoring and review of the Conflict of Interest disclosure.

It is essential that a management plan for a disclosed conflict of interest is implemented and maintained. It is the joint responsibility of the relevant staff member and the supervisor to ensure that the plan is correctly implemented.

7. Role of Deputy Vice-Chancellor Planning and Assurance

If any matter concerning the Policy and Procedure cannot be resolved at the level of staff member and the approver, the matter should be referred to the Human Resources Business Partner, who will co-ordinate the matter being considered by the Deputy Vice-Chancellor, Planning and Assurance or their delegate.

The ultimate approving authority for determining the following matters rests with the Deputy Vice-Chancellor, Planning and Assurance or their delegate:

- Whether there is an actual, perceived or potential conflict of interest between the staff member or private interest and the interests of UNSW
- Whether a conflict of interest can be managed or whether it requires the staff member to either relinquish the private interest or resign
- Whether a proposed management plan deals with the conflict of interest in accordance with the Policy and this Procedure
- Whether, following disclosure by a staff member of changes related to the private interest, the conflict of interest can still be managed or now requires the staff member to either relinquish the private interest or resign, or cease engagement with UNSW
- Whether, following disclosure by a staff member of changes related to the private interest, a *Conflict of Interest Management Plan* needs to be updated.

The Deputy Vice-Chancellor Planning and Assurance may refer any Conflict of Interest Management Plan for further advice to, for example, another Deputy Vice-Chancellor, Director, Risk, Chief Human Resources Officer or General Counsel, or may refer back to the staff member's supervisor for further action.

8. Conflict of interest register

Copies of all conflict of interest disclosures and management plans will also be submitted online to the Division of Planning and Assurance and will be recorded on a central register which is maintained by the Deputy Vice-Chancellor, Planning and Assurance. The Deputy Vice-Chancellor, Planning and Assurance (or delegate) will review disclosure forms and management plans for compliance with the Policy and this Procedure.

9. Failure to comply with this Procedure

Non-compliance with the requirements of this Procedure by a staff member or approver, including refusing to take action as directed to resolve or manage a conflict of interest, may lead to:

- misconduct or other disciplinary proceedings against the staff member, 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, ethics committees, publishers, funding agencies; and/or
- legal action against the individuals concerned.

Accountabilities				
Responsible Officer		Chief Human Resources Officer		
Contact Officer		Lead Human Resources Business Partner		
Supporting Information				
Legislative Compliance		Independent Commission Against Corruption 1988 (NSW) University of New South Wales Act 1989 (NSW) Corporations Act 2001 (NSW) Privacy and Personal Information Act 1998 (NSW) Foreign Influence Transparency Scheme Act 2018 (Cth)		
Parent Document (Policy)		Conflict of Interest Disclosure and Management Policy		
Supporting Documents		Disclosure of Interests Form 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 Employment or Engagement of Services involving Personal or Other Significant Relationships 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 Procedure, v1.0		
File Number		2021/006418		
Revision History				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	President and Vice-Chancellor	4 March 2021	15 March 2021	New Procedure

1.1	Vice-Chancellor	24 February 2022	14 March 2022	Amendments to Section 2; 3; 4; 6; 7 and 9 to change the approver of Disclosure of Interests Forms.
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Archived document