

Procedure: Conflict of interest and commitment

Purpose

To set out procedures for handling conflicts of interest or conflicts of commitment.

Procedure

Basis for handling conflicts

1. Three actions that underpin implementation of the policy are:
 - a. Disclose always;
 - b. Manage the conflict where appropriate; and
 - c. Prohibit any activity where necessary to protect the public interest or the interests of the University.

Disclosure

When is disclosure required?

2. Disclosure by a staff member must be made when there is potential for conflict, or the perception that a conflict may exist. Disclosure must be full and prompt, and made to the staff member's supervisor using the form attached. In the case of close personal relationships, either party to the relationship can make a disclosure. The primary obligation is to notify, in advance, any potential conflict. Written approval should be obtained before any commitment is made that might involve a conflict.

Conflicts relating to financial interests where students are involved

3. The impact of a supervisor's conflict on students is of special concern. The University is particularly concerned about the content and quality of the training experience for students whose research is sponsored by an external entity and whose supervisor(s) have personal interest in that business. The training experiences of students and postdoctoral fellows are expected to incorporate the values of objectivity in research and the importance of public trust. Students should not be required to participate in research that utilises an external entity's

confidential information or otherwise constrains their right to publish or communicate freely. Any exceptions, consistent with the provisions of this policy, shall be approved in advance by the Deputy Vice-Chancellor.

4. Before embarking on a research project, a student must be provided by the supervisor with a clear description of:

- Any external entity support of the research to be undertaken;
- Any personal Significant Financial Interest the supervisor has in a sponsoring external entity; and
- Any restrictions that might be imposed on the communications of research results.

5. Written approval from the Deputy Vice-Chancellor must be obtained before a student can be assigned to conduct research which is sponsored by an external entity in which the supervisor has a significant financial interest.

Annual reporting

6. Disclosure of all consultancies, other financial interests that have the potential to create a conflict, relationships or other matters that may be perceived to raise a conflict must be formally reported at the same time as the annual Performance and Development Review (PDR) process is undertaken. This does not detract from a staff member's obligation to report promptly, during the course of the year, any potential or actual conflict that may arise. The forms annexed to this procedure should be used to report potential conflicts.

Failure to notify and actual or potential conflict

7. Not providing notification of a potential conflict could be regarded as misconduct. There may be occasion when a conflict becomes known after the fact of a decision or determination. In these cases, as soon as the conflict becomes evident it must be reported to the supervisor. The University may decide to investigate the circumstances of the decision or determination, including whether a different decision or determination ought to be made. The University may also determine that an investigation should be undertaken to determine whether misconduct has occurred.

Managing conflicts

Management plan

8. Following a disclosure the supervisor and all relevant staff members and students, as appropriate, must devise an appropriate plan to manage or avoid the

potential conflict. The supervisor and University member making the disclosure can use the process set out in the attached forms to assist in evaluating the extent of the conflict with a view to preparing a comprehensive management plan. Any party to the conflict or a relevant supervisor can consult the Conflict Advisory Officer to obtain guidance or assistance in resolving any issues.

9. Once a management plan is devised it must be signed by all parties and placed on appropriate University files to ensure that any decision-maker who might later deal with matters concerning the issue of the disclosure is properly informed prior to making any decisions.

Examples of conflicts

10. Handling situations involving conflicts of interest or commitment can often be straightforward but can also be difficult because of the complexity of some situations. To assist supervisors faced with making decisions on conflicts a set of examples from the ANU Intellectual Property Manual are listed in Table 1. The list will be updated from time to time as experience is gained with applying this policy.

Conflict Advisory Officer

11. The Deputy Vice-Chancellor acts as a Conflict Advisory Officer (CAO) for the purposes of the policy. The role of the CAO is to provide advice as well as assisting to resolve conflicts unable to be resolved between the parties.

12. Requests for consideration of a potential or actual conflict should be forwarded to the Deputy Vice-Chancellor. Requests are to be written, outlining clearly the potential or actual conflict, the parties concerned and the reasons(s) for requesting advice. The Deputy Vice-Chancellor may attempt to resolve the conflict or refer it to the Conflict Review Committee.

Conflict Review Committee

13. In doubtful or sufficiently complex cases the Deputy Vice-Chancellor may take advice from the Conflict Review Committee. The Committee, including the Chair, will be drawn by the Deputy Vice-Chancellor from the following list of potential members, depending on the nature of the conflict to be considered. The Committee will have a minimum of three members.

14. If the Deputy Vice-Chancellor refers a conflict to the Committee, the Committee should meet and report within thirty (30) days of a written request being received, or such further time as agreed by the Deputy Vice-Chancellor.

Potential Chairs

- Deputy Vice-Chancellor
- Pro-Vice Chancellor
- Pro-Chancellor

Potential Members

- Any College Dean
- University Counsel
- Service Division Directors
- Student representative
- Staff representative

Document information

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