Conflicts of Interest Procedure

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') is committed to ensuring conflicts of interest and commitment are avoided wherever possible or declared and actively managed, so as not to affect the activities, decisions, and reputation of the University.

(2) In an environment of collegiality, all members of the University community are obliged to act with honesty and integrity and to not allow personal or financial interests or duties to compromise their obligations, responsibilities and duties.

Section 2 - Purpose

(3) This procedure enacts the principles established by the Conflicts of Interest Policy and provides details on the nature of conflicts of interest, guidance on how to identify, declare and manage real, potential, and perceived conflicts of interest.

Section 3 - Scope

(4) All staff of the University and other members of the University community including students, contractors and adjuncts must be aware of their obligations to recognise, declare and manage situations involving actual, potential or perceived conflicts of interest.

Section 4 - Procedure

Types of conflicts of interest

(5) Conflicts of interest arise when there are competing interests, which are often, but not exclusively, interests of public duty versus private interests.

(6) Conflicts may be actual, potential or perceived:

a. Actual conflicts arise when a person working for or with the University does not act in the University's best interests because they have another interest that they prioritise over the University's interests;
b. Potential conflicts arise when a person working for or with the University has other interests, which may influence their ability to act in the University's best interests in the future; and
c. Perceived conflicts arise when a person working for or with the University has other interests that could cause other people to think that they cannot act in the University's best interest.

Private relationships

(7) Conflicts may arise when a person working for or with the University makes, participates in, or has the ability to influence, decisions affecting another person with whom they have a private relationship.

(8) Private relationships include family relationships that exist between near relatives (such as a spouse/de facto/partner, child/parent) or close friends, business relationships or personal associates, as well as consensual personal relationships of a romantic or sexual nature.

(9) In addition to positive relationships and attitudes, other emotional relationships may also be formed that contain antagonism or bias against an individual.

External employment, activities or practice

(10) Conflicts may arise when a person working for or with the University engages in external employment, activities or private practice and there is some form of payment, recompense or other consideration from the organisation. This includes being a director of an external organisation.

(11) Such conflicts may arise when a person working with or for the University:

a. is involved with external organisations whose interests conflict with those of the University;
b. assumes responsibilities for an external organisation that diverts their attention from their University duties or creates other conflicts of loyalty - these could be paid or unpaid positions; or
c. is involved in a private activity and expresses a public comment that purports to represent, or may be perceived as representing, the views of the University.

Third-party suppliers and providers

(12) A conflict arises when a person working for the University has received or accepted a gift or benefit, including hospitality, from a third party. Gifts and benefits must be managed in accordance with the Gifts and Benefits Policy, the Conflicts of Interest Policy, this procedure, and, where applicable, the Procurement Policy.

Identifying conflicts of interest

(13) Conflicts can and do exist in all aspects of University operations, including research, teaching, assessment, staffing, administration, and commercial activity.

(14) Individuals are responsible for identifying actual, potential or perceived conflicts as soon as they become apparent.

(15) Business units and supervisors are responsible for identifying and managing high-risk conflicts activities. For example, but not limited to:

a. procurement;
b. staff recruitment or performance management;
c. external employment, activities or private practice;
d. serving as a member or director on boards, committees, advisory groups (or similar bodies) of government, for-profit, or not-for-profit entities;
e. private relationships with students or other staff members, including contractors;
f. offer or acceptance of gifts and benefits;
g. research activities and HDR supervision;
h. recommending or prescribing self-authored resources to students; and
i. use of University information for personal purposes.

(16) If anyone has a reasonable belief that a conflict held by a person working for or with the University has not previously been disclosed, the relevant supervisor or manager must be alerted.

(17) Researchers have additional responsibilities under the Australian Code for the Responsible Conduct of Research, 2018, the National Health and Medical Research Council (NHMRC), and the Guidelines for NIH/PHS financial conflict of interest compliance.

(18) If there is uncertainty as to whether an actual, potential or perceived conflict exists, advice should be sought from the Vice-President Governance and University Secretary.

Declaring conflicts of interest

(19) A person working for or with the University must discuss with their supervisor and complete the Conflict Of Interest eform in eCentre as soon as actual, potential or perceived conflicts are identified.

(20) A person working for or with the University who wants to engage in external employment, activities or private practice, must discuss with their supervisor and complete the External employment/activity/practice form.

(21) When actual, potential or perceived conflicts arise at meetings, a declaration must be made verbally or in writing to the Chair (or other person presiding over the meeting) before the matter is discussed and minuted along with any ensuing action.

(22) Supervisors can instruct staff involved in specified activities to complete a Conflict Of Interest eform in eCentre where they identify there is an actual, potential or perceived conflict.

(23) Supervisors must ensure all declared conflicts are treated as confidential, in accordance with the Privacy and Confidentiality Policy.

(24) Declarations made through the Conflict of Interest eform in eCentre are valid for one year and must be declared annually.

Managing conflicts of interest

(25) The act of declaring the actual, perceived or potential conflict may be sufficient to mitigate or manage the conflict, however, the development of a management plan is required to demonstrate that the person with the conflict and the University have carefully considered the situation, recognised the issues involved, and taken steps to prevent future problems.

(26) Supervisors must respond to conflicts of interest identified by an individual or the specified activities of the business unit and develop a management plan, in consultation with the individual.

(27) Depending on the circumstances, management strategies may include:

a. Restricting the involvement of the person in the situation or activities;
b. Recruitment of an independent person to administer or oversee the situation or activities;
c. Removing the person from the situation or activities to mitigate or eliminate risk; or
d. Relinquishing or resigning positions or responsibilities where the source cannot be removed. This option must be negotiated in consultation with the Director People and Culture.

(28) Supervisors must document and monitor the potential risks and agreed strategies, which are subject to re-negotiation if circumstances change.

(29) Conflicts that pose a significant risk, are detrimental to the University's best interests or contravene the Code of Conduct - Staff or the Responsible Conduct of Research Policy must be referred to the Vice-President Governance and University Secretary.

Registering conflicts of interest

(30) The Vice-President Governance and University Secretary will maintain the University's Conflicts Register.

(31) Completed Conflict Of Interest eforms are electronically recorded in the University's Conflicts Register.

(32) Secretariat for meetings must ensure extracts of minuted meetings containing conflict declarations and actions are forwarded to governance@cdu.edu.au for recording in the University's Conflicts Register.

Whistleblowing

(33) Improper conduct can occur if a conflict is concealed, understated, mismanaged or abused.

(34) The Independent Commissioner Against Corruption Act 2017 obliges a person working for or with the University to make a report to the Commissioner where there is a reasonable suspicion of improper conduct.

(35) Protections are provided to whistleblowers who make disclosures in accordance with the ICAC Act and the University's Whistleblower Reporting (Improper Conduct) Procedure.

Section 5 - Non-compliance

(36) Non-compliance with Governance Documents is considered a breach of the Code of Conduct - Staff or the Code of Conduct - Students, as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures.

(37) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower reporting (Improper Conduct) Procedure.

Status and Details

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Approval Date	8th December 2022
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Responsible Executive	Brendon Douglas Vice-President Governance and University Secretary
Implementation Officer	Brendon Douglas Vice-President Governance and University Secretary
Enquiries Contact	Brendon Douglas Vice-President Governance and University Secretary

Glossary Terms and Definitions

"National Health and Medical Research Council (NHMRC)" - The statutory body of the Australian Government responsible for research funding directed towards the maintenance and promotion of public and individual health.