



CONFLICT OF INTEREST PROCEDURE

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1. OVERVIEW

This procedure prescribes the process for identifying, disclosing, and managing conflicts of interest whether actual, potential, or perceived at the University of Adelaide in accordance with the principles of the [Behaviour and Conduct Policy](#).

This procedure aims to ensure staff members and titleholders observe the highest standards of behaviour and conduct and avoid any activity or interest that might reflect unfavourably on their own individual integrity and reputation, or upon the integrity and reputation of the University.

The University is committed to promoting a culture where conflicts of interest are properly identified, disclosed, and eliminated or managed in a transparent, accountable, and timely manner.

2. SCOPE AND APPLICATION

This procedure applies to all staff members and titleholders.

This procedure is not intended to apply to:

- A staff member in their capacity as a member of the University Council or a Council Committee. The obligations of Council members and the steps they should take to address conflicts of interest are outlined in the University Act 1971, Clause 17.
- A director of a controlled entity of the University of Adelaide.

The University is a Public Authority under the [Independent Commission Against Corruption Act 2012 \(SA\)](#) (the ICAC Act) and the [Ombudsman Act 1972 \(SA\)](#).

[Public Officers](#) are employees (even if seconded to another organisation), officers of the University, titleholders, volunteers, consultants, or contractors providing services to the University.

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3. PRINCIPLES

This procedure operates on three core principles which require that every staff member and titleholder:

- Behaves ethically, with integrity, and in the best interests of the University by disclosing and/or managing conflicts of interest in any matters connected to the University, its community, and its business partner/s
- Is accountable
- Acts in the best interest of their own and the University's integrity and reputation.

A risk-based approach is to be taken when identifying, disclosing, and managing or eliminating actual, perceived, or potential conflicts of interest, acknowledging that conflicts of interest are often inevitable in a University environment. The priority is to ensure they are declared so they can be managed in a way that promotes and maintains public confidence in the integrity of the University's teaching, learning, research, and business operations.

A conflict of interest arises when an individual's private interest, which includes personal, external, business, professional, or financial interests, or those of a person with whom he or she has a close personal relationship, come into conflict with the performance of their duties to the University. A conflict of interest may be actual, perceived, or potential.

An **actual conflict of interest** arises when there is a real conflict between an individual's duties to the University and their existing personal, external, or financial interests.

A **potential conflict of interest** arises when an individual has personal, external, or financial interests that could come into conflict with the performance of their duties to the University in the future.

A **perceived conflict of interest** can exist where a third party could form the view that an individual's personal, external, or financial interests could improperly influence the performance of their duties to the University, now or in the future.

A **conflict of commitment** arises where the personal, external, or financial interests of an individual are so significant, demanding or organised in such a way that they adversely interfere with the performance of their duties to the University.

A conflict of interest is 'material' if a reasonable disinterested third party would take it into account in exercising judgement or making a decision. Factors that increase the risk that a situation will have inherent potential for conflict of interest and that the conflict will be material include:

- Increasing magnitude of the personal benefit expected
- Increasing level of leadership or authority
- When a researcher holds equity in a company which may jeopardise research integrity.

A conflict of interest due to a personal relationship is a relationship between a staff member/ titleholder and a member of their family, relative, a financially dependent person, a close friend, a de facto partner, or with whom there is currently or has been, an intimate, sexual, or romantic relationship whether conducted in person, by correspondence or by electronic means.

A conflict of interest can also occur where there is a resulting benefit. What constitutes a benefit includes but is not limited to:

- Influence on decisions affecting people with whom there is a close personal relationship
- Director's fees, shares, share options, equity holdings, or other forms of securities in companies,
- Gifts, other financial benefits, and personal favours
- Sponsorship of an investigation, provision of research materials or facilities

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- The share of commercial or other returns which are permitted to flow to staff under the university's policies.

Where the value of the gift or benefit exceeds \$250, the individual must disclose the gift or benefit to their manager/supervisor for staff or their University contact person for titleholders. All gifts or benefits over \$500 must be disclosed and approved using a [Disclosure of Conflict of Interest Form](#).

See [Information Sheet \(FAQs\)](#) for examples of gifts; the types of gifts that should not be accepted; and the information that should be captured on the Benefit register as outlined in the information sheet.

For gifts and flowers for staff and non-staff, see the [Non-allowable Expenses Procedures](#).

4. PROCEDURES

4.1 Identifying a conflict of interest

Staff members and titleholders are to:

- Comply with the [Behaviour and Conduct Policy](#) and this procedure
- Structure their personal, external, or financial interests in a way that preserves confidence in their integrity and prevents a conflict of interest from arising
- Avoid situations where their duties to any external entity come into conflict with their duties to the University in a way that would adversely impact their own and the University's integrity and reputation
- Identify and acknowledge a conflict of interest or seek advice from the Head of School / Branch if in doubt as to whether a conflict of interest exists
- Be aware of additional current requirements linked to research if applicable.

The Head of School/Branch will:

- Promote and demonstrate a commitment to the Behaviour and Conduct Policy and this procedure by modelling compliance and appropriate behaviour
- Ensure that staff members and titleholders covered by the scope of this procedure in the school or branch clearly understand and comply with the Behaviour and Conduct Policy and this procedure
- Provide guidance to staff members and titleholders who have queries about conflicts of interest
- Seek advice from the Area Manager if in doubt as to whether a conflict of interest exists.

Where a conflict of interest exists, the Head of School/Branch will:

- Direct the person concerned to complete a [Disclosure of Conflict of Interest form](#) and management plan immediately
- Ensure the [Conflict of Interest form](#) is submitted with an appropriate management plan to manage the conflict, and that the form is approved by the supervisor.

Any or all of these tasks can be delegated to School/Branch staff, for example a manager or supervisor, however, the Head of School/Branch must monitor the tasks on a regular basis to ensure they take place.

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The Area Manager is to:

- Promote and demonstrate a commitment to the Behaviour and Conduct Policy and this procedure by modelling compliance and appropriate behaviour
- Ensure that all staff members and titleholders covered by the scope of this procedure in the school/branch clearly understand and comply with the Behaviour and Conduct Policy and this procedure
- Provide guidance to the Heads of School/Branch and staff concerning conflicts of interest
- Seek advice concerning any personal conflict of interest from the [Integrity Unit](#) or [HR Advisory](#).

All staff members, titleholders, Heads of School/Branch, and Area Managers must ensure they:

- Do not take part in an academic or administrative decision-making process involving a student who is a relative or with whom they have or have recently had a close personal relationship including, but not limited to:
 - Selection for entry to the University
 - Selection for any undergraduate or postgraduate program offered by the University
 - Assessment procedures
 - Classification for honours
 - Selection for any scholarship or prize
 - Honours or postgraduate supervision
- Follow the disclosure process outlined in this procedure when they become aware of the possibility that they might be involved in an academic or administrative decision-making process involving a student who is a relative or with whom they have or have recently had a close personal relationship
- Do not take part in formal employment or academic assessment processes involving a staff member or potential staff member who is a relative or with whom they have or have recently had a close personal relationship, including, but not limited to:
 - Recruitment and appointment
 - Tenure
 - Promotion
 - Reclassification
 - Termination
 - Staff development opportunities
 - Conditions of service
 - Planning, development, and review (PDR)
 - Research grant assessment

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4.2 Disclosing a conflict of interest

Staff members and titleholders must:

- Immediately disclose any conflict of interest or any change to an existing disclosed conflict of interest to the Head of School/Branch. This can be through a supervisor if applicable, using the [Disclosure of Conflict of Interest Form](#) and must propose a conflict management plan.
- Avoid any related discussion or decision-making forums that would entitle them, or anyone in a close personal relationship with them, to receive benefits.
- Be aware of and comply with the additional responsibilities that researchers have under the Australian Code for Responsible Conduct of Research, if applicable.
- Be aware of and comply with the separate requirements of external funding bodies for the disclosure of conflicts of interest, if applicable.

Note that contract research, consulting, and commercialisation activities may also be a source of potential conflicts of interest and that Research and Business Partnerships must be notified in such circumstances using the [Disclosure of Conflict of Interest Form](#).

The Head of School/Branch and Area Manager will:

- Immediately disclose any conflict of interest or any change to an existing disclosed conflict of interest to the Head of School/Branch using the [Disclosure of Conflict of Interest Form](#) and must propose a conflict management plan
- Avoid any related discussions or decision-making forums that would entitle them or anyone in a close personal relationship with them to receive benefits.

4.3 Evaluating and managing a conflict of interest, excluding those that relate to research

The Head of School/Branch will:

- Review the [Disclosure of Conflict of Interest Form](#) and the proposed conflict management plan, evaluate the nature of the conflict, and assess the materiality of the interest
- Approve a conflict management plan in consultation with the parties involved if appropriate
- Consult with the relevant Area Manager if the parties involved cannot reach agreement on a conflict management plan.

The Area Manager must:

- Provide advice and direction on how a conflict of interest should be managed when guidance is sought by a Head of School/Branch
- Approve instances where a conflicted staff member or titleholder continues to be involved in an activity that materially affects the University's business or other interests.

The Head of School/Branch will then:

- Ensure the Disclosure of Conflict of Interest Form and the conflict management plan are submitted in SSO and approved by the staff member's supervisor
- Review the conflict management plan at least annually or as required.

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Staff members and titleholders will comply with the approved conflict management plan.

4.4 Evaluate and manage a conflict of interest that relates to research

The Head of School/Branch will:

- Review the [Disclosure of Conflict of Interest Form](#) and the proposed conflict management plan, evaluate the nature of the conflict, assess the materiality of the interest giving consideration to the requirements of the [Australian Code for the Responsible Conduct of Research](#), and consult with the relevant Area Manager for guidance where necessary.
- Endorse the Disclosure of Conflict of Interest Form and the conflict management plan and forward all documentation to the Deputy Vice-Chancellor (Research) through the Area Manager if appropriate.

The Area Manager must:

- Provide advice and direction on how a conflict of interest should be managed when guidance is sought by a Head of School/Branch
- If appropriate, endorse the Disclosure of Conflict of Interest Form and the conflict management plan, and forward them to the Deputy Vice-Chancellor (Research) for consideration and approval.

If appropriate, the Deputy Vice-Chancellor and Vice President (Research) (DVC(R)) will then approve the Disclosure of Conflict of Interest Form and the conflict management plan when it relates to the conduct of research associated with the University.

The Head of School/Branch will then:

- Ensure the Disclosure of Conflict of Interest Form and the conflict management plan have been submitted by the staff member and approved by their supervisor
- Notify any external funding bodies that are party to the research in line with their requirements of the disclosed conflict of interest.
- Notify Research and Business Partnerships of the disclosed conflict of interest, where it relates to contract research or consulting and to the University of Adelaide Enterprise, where it relates to commercialisation activities.
- Review the conflict management plan annually or as required.

Staff members and titleholders will comply with the approved conflict management plan.

4.5 Continuous declaration and monitoring

Staff members and titleholders must formally report to their supervisor any personal, external, or financial interests, including gifts that have the potential to create a conflict of interest, at least annually for staff members or at the beginning of each calendar year for titleholders.

This does not detract from the obligation to report a conflict of interest that may arise throughout the year.

The Head of School/Branch will implement independent monitoring of the Conflict of Interest forms register or equivalent to confirm that no inappropriate gifts or benefits have been accepted.

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4.6 Privacy

Staff members and titleholders will apply the University's [Privacy Policy](#) to any personal information collected under this procedure.

4.7 Consequences for breaching this procedure

A failure to fully disclose and appropriately manage a conflict of interest may constitute misconduct or serious misconduct and/or result in an academic or administrative decision-making process being declared null and void.

The University may take disciplinary action in accordance with [the University of Adelaide Enterprise Agreement](#) for staff members and the [Conferral of Honorary Roles Procedure](#) for titleholders.

The Vice-Chancellor and President may remove a staff member who is not also a Council member from a University Committee where they fail or refuse to comply with this procedure.

5. DEFINITIONS

Area Manager means Deputy Vice-Chancellors, Vice Presidents, Pro Vice-Chancellors, Executive Deans, Executive Director Human Resources, and Institute Directors.

Family means a relative by blood, marriage, adoption, fostering, traditional kinship or a person in a bona fide domestic, de facto, or household relationship; and a child, parent, grandparent, grandchild or sibling of a de facto partner.

6. USEFUL INFORMATION AND RESOURCES

6.1 University related documents and policies

[Disclosure of a Conflict of Interest Form](#)

[Conflict of Interest Information Sheet](#)

[Conflict of Interest – Gifts and Benefits Information Sheet](#)

[The University of Adelaide Enterprise Agreement \(as amended\)](#)

[Code of Conduct](#)

[Responsible Conduct of Research Policy](#)

[Procedure for Managing Complaints of Research Misconduct/Serious Misconduct and Breaches of the Code for the Responsible Conduct of Research](#)

[Privacy Policy](#)

[Titleholder – Conferral of Honorary Titles Procedure](#)

[Non-allowable Expenses Procedures](#)

[Resources for Public Officers](#)

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6.2 Related legislation

N/A

6.3 Useful web-links

[Australian Code for the Responsible Conduct of Research](#)

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