

***Conflict of Interest***

***Overview***

This policy outlines the principles applying to the declaration and management of actual and potential conflict of interest. This policy should be read in conjunction with the Woroni Conflicts of Interest Policy.

***Scope***

This Policy applies across all student Associations.

**“Associations” refers** to ANUSA, PARSA & ANUSM.

***Policy Statement***

**Standards of Conduct**

The Associations have a responsibility to ensure that their official activities and those of their elected office holders and employees conform to acceptable standards of integrity and good administrative conduct. It is the Associations policy that their elected officials and employees, and others acting on their behalf avoid ethical, legal, financial, or other conflicts of interest and ensure that their activities and interests do not conflict with their obligations to the Associations or their welfare.

The Code of Conduct refers to the general standards of conduct expected of Association employees. The increasing complexity of conflicts, including those of personal relationships and financial gain from outside commercial activities, make clear principles and procedures essential. The Association Constitutions and the *Associations Incorporation Act 1991* bind Association employees and elected office holders to behave in good faith, avoid conflicts of interest and act with propriety when making decisions about Association matters.

Employees also have a common law obligation of confidentiality and loyalty of service to the Association, and must ensure that sensitive and confidential matters relating to the work or administration of the Association are not improperly disclosed, either internally or externally.

**Definitions**

A *Conflict of Interest* occurs when the private interest of an employee or elected official may influence or compromise the conduct of that person in the conduct of their activities at the Association, including when making decisions, determining business directions or unduly influencing relationships between that person, their colleagues and students. Apparent or perceived conflicts may undermine trust and be as damaging as an actual conflict.

*Close personal relationship* means a relationship with persons who are relatives, other financial dependent persons, a de facto partner (defined as a person who has committed to long term personal relationship with another person of the same or opposite gender) or any person with whom there is currently, or has been in an intimate relationship. It is not intended that relationships which exist due to ordinary collegiate academic collaboration fall into this category.

*Employee* means a person who is employed by the Association or who has official visiting status.

*Supervisor* means the person to whom the employee is principally responsible while working at the Association.

*Financial Interest* means any right, claim, title or legal share in something having a monetary or equivalent value. Examples of Financial Interest include, but are not limited to, shares, share options, and the right to receive remuneration, such as salary, consulting fees, allowances, discounts and the like. Excluded from this definition is an investment by a superannuation, mutual, pension or other institutional investment fund in which a staff member has an interest but over which the staff member does not exercise control.

*Significant Financial Interest* means:

An employee or those with a close personal relationship with that employee:

* Holding a remunerated management or advisory position in an External Entity.
* The option to obtain equity or the close proximity of equity in a potential new External Entity; or
* A long-term exclusive or otherwise significant consulting arrangement with an External Entity in a contractual relationship with the Association (for example, where a staff member receives an annual income in excess of $10,000 from such an entity).

*External Entity* means any corporation, partnership, sole proprietorship, firm, franchise, association, organisation, company, business, or any other legal entity organised for profit.

Commercial conflicts are potential conflicts in which the Association has a particular interest and must be disclosed such as:

* *Fiduciary relationships* means being a director, partner, or trustee is an example of the creation of a fiduciary relationship. If that relationship is owed to an external entity there is real potential for a person's obligations to that external entity to conflict with any obligation they may owe to the Association, particularly where that person is an employee.
* *Negotiating interest’s* means there is potential conflict for employees to negotiate personally the terms under which any intellectual property, or other property of the Association, is to be sold, licensed or transferred to an external entity, in which the employee has a financial interest.
* *Shareholdings* means that in some cases holding shares in a company may create a conflict including, for example, holding shares in a company that is in a business relationship with the Association.
* *Non-executive roles in external entities* where the time commitments in fulfilling non-executive roles may create a conflict of commitment such that a staff member's employment is adversely affected, for example they may have to revert to part time to allow both commitments to be fulfilled.

Other Conflicts also requiring Disclosure are:

* Remunerated or honorary positions and other connections with educational institutions which may give rise to a conflict of interest, including relevant external government or public committees, such as research councils, charities, government departments, professional bodies and training organisations.
* Prolonged absence - a staff member having a commitment outside the Association that involves frequent or prolonged absence from the Association on non-Association business.
* Gifts or offers of gifts of significant value, other than official gifts, and ex gratia payments.
* Representational or other non-official interests relevant to the Association (e.g. election as an MLA or MP).
* Engagements limiting the scope of activity at the Association such as a staff member, as part of an arrangement with another organisation).

**Potential Areas of Conflict**

There are many possible conflicts of interest. Conflicts can arise from commercial interests, ethical, political or religious views or personal relationships.

The potential for a conflict does not necessarily imply wrongdoing on anyone's part. The Associations require the principles underpinning this policy to be applied to resolve conflicts whenever they arise.

The most common are those arising from commercial interests and close personal relationships and this policy provides some additional guidance on managing such conflicts.

*When a close personal relationship exists between employees*it is the Associations’ policy that:

* One party should not be the direct supervisor of the other.
* One party should not be involved in decision-making or procedures leading the appointment, promotion or any other determination relating to employment conditions, benefits or entitlements for the other party.
* One party should not have access to the personal details of the other.
* The relationship between the parties should not affect the interests of other parties. Because the effects on other people at work are frequently not apparent to the persons involved in a close personal relationship, anyone with such an involvement should be attentive to the feelings of colleagues and to the potential conflicts of interest that may be *involved.*

*Financial conflicts of interest may arise:*

* Where an employee, who has budgetary responsibilities, also has a personal interest (or a person with whom the member has a close personal relationship has a personal interest) in an activity that is to be funded out of that Association;
* With respect to Association financial decisions in which the employee is involved, including but not limited to investments, loans, purchases or sales of goods, services, equity (shares) and financial accounting decisions;
* With respect to matters with both financial and non-financial implications, such as decisions about the use of Association equipment and facilities.

**Managing conflict of interest in recruitment**

A conflict of interest occurs when a person involved in a recruitment exercise can be influenced, or appears to be able to be influenced by a personal interest when making an employment decision.

Employees involved in recruiting should consider what may constitute a conflict of interest. Factors to consider include:

* family or friendship relationships with an applicant,
* close working relationship with an applicant,
* financial interests (either in an applicant or the outcome), and
* an acrimonious relationship with any applicants.

If an appointments committee member is required to provide referee comments for an applicant they should:

* inform appointments committee members and the Chair and if appropriate the President/Editor in Chief of the situation, and
* provide their written referee comments before assessing an application.

Conflicts of interest cannot always be avoided, but when they occur or may be perceived to occur, the chair of the appointments committee should ensure that the details are documented appropriately.

After reviewing the documentation on the real or perceived conflict the appointments committee chair or President/Editor in Chief should decide if the member involved should stand aside from the whole process or from considering the particular candidate.

**Privacy**

The Associations recognise that the disclosure by an individual of a potential conflict could involve the disclosure of personal information. The Associations adhere to the Commonwealth’s privacy principles and will treat information provided in accordance with these principles. Any individual who is concerned about the potential ramifications of disclosing particular information may raise their concerns directly with the President/Editor in Chief, particularly if they feel it is inappropriate to disclose such information to their supervisor. The President/Editor in Chief will determine how and to whom any information is subsequently disclosed bearing in mind the requirements of this policy and the privacy of the individual concerned.

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