

---

## Procedures for Managing Potential Conflicts of Interest

---

### 1 Meeting Procedure

Where a member makes a disclosure of interest at a meeting, the disclosure and any ruling of the meeting must be recorded in the minutes of that meeting.

In the case of a Council or a Council Committee meeting, the Council or the Committee will resolve on a case-by-case basis by majority vote how the matter should be handled. Options include:

- (a) forming a view that there is no conflict;
- (b) forming a view that there is a conflict but, where this is in common with the public or by virtue of the Council member's election by a particular organization or group, allowing the member to remain for the discussion of the item to which the conflict applies, and allowing him/her to speak and vote on the subject;
- (c) forming a view that there is a conflict but,
  - (i) allowing the Council member in question to remain for the discussion of the item to which the conflict applies, and allowing him/her to speak to the subject, but not to vote; *or*
  - (ii) allowing the Council member in question to remain for the discussion of the item to which the conflict applies, but not allowing him/her to speak or vote; *or*
  - (iii) excluding the Council member in question from the meeting for the discussion and vote on the item to which the conflict applies.

### 2 Conflict of Interest Outside a Meeting

Where a member who is an employee of the University identifies a conflict of interest outside a meeting, that conflict should be disclosed to their manager. The manager must record the disclosure as a file note and should also seek guidance from a University senior manager (through the line management chain) in all cases where the conflict of interest may potentially affect the legal relationships, liability, and/or operation of the University. The file note should record the disclosure, whether the manager or senior manager believes a conflict of interest might exist and, if so, what procedures were followed. The Manager will need to review the disclosures annually and check their status.

#### 2.1 Commercial Relationships

Where a conflict of interest arises or is disclosed that affects the commercial relationships of the University (e.g. involvement in spin-out companies or external organisations using the intellectual property of the University),

- (a) In the case of a Council or Council Committee Member, s/he must disclose the matter to the Chancellor who may take action to protect the University.
- (b) In the case of a member who is an employee of the University, the manager must disclose the matter to a senior person in the University (e.g. members of the Senior Management Team disclose to the Vice-Chancellor, Heads of Schools to the relevant Pro-Vice-Chancellor, academic staff to the relevant Head of School, general staff to the Director of the relevant Central Service Unit), who may take additional action to protect the University.

If a conflict of interest involves a subsidiary of the University, the CEO of the subsidiary and the DVC (Research) should be consulted and receive copies of the file note. The file note should record the disclosure, whether the manager or senior manager believes a conflict of interest might exist and, if so, what procedures were followed.

### **2.2 Academic Supervision**

In relation to academic supervision and particularly research degree supervision, staff members in a decision making role are obliged to identify to the Head of School any relationship, as defined in Section 3 of the Statute, and, where such a relationship exists, shall not normally act as supervisor or, as the case may be, joint supervisors or advisers of a research student.

If a relationship, as defined in Section 3 of the Conflicts of Interest Statute, develops between supervisors, or between supervisor and student, this relationship must be fully disclosed to the Head of School, and shall be managed under this clause. The Head of School in the first instance may ask for details of how any conflict may be managed and will decide if the supervision may or may not continue and if so in accordance with "Other Procedures". The Head of School should then notify the Dean.

An academic staff member may question whether s/he has a pecuniary interest when exercising judgement in their role as an academic supervisor. It is considered that the regulations governing degrees, personal courses of study, academic assessment, progress and examinations as set out in the University's statutes and policies and in the Faculty and School procedures provide sufficient guidance to avoid such conflicts of interest.

### **2.3 Acceptance of Gifts**

The Gift & Koha Policy sets out the framework for staff members when accepting gifts or koha on behalf of the University, or giving gifts on behalf of the University, both to external parties or staff within the University.

The Policy recognises that accepting gifts can present an ethical dilemma for staff. The Policy complies with guidance issued by the Controller and Auditor General and also ensures the University's compliance with the relevant taxation legislation, primarily Fringe Benefit Tax.

## **3 Undeclared Conflicts of Interest**

If any person is aware of any undeclared conflict of interest, they have a responsibility to declare such and shall be protected in doing so by the [Protected Disclosures Act 2000](#) as specified in the University's [Disclosure of Wrongdoing \(Whistleblower\) Policy](#).

Disclosure of the conflict should be made to the appropriate senior person in the University (e.g. the Chancellor, the Vice-Chancellor, a Pro-Vice-Chancellor, a Head of School, or a Director of a Central Service Unit) who must record the conflict as a file note which documents the disclosure, whether the senior manager believes a conflict of interest might exist, and, if so, what procedures were followed.

## **Procedures for Managing Potential Conflicts of Interest**

---

Should an undisclosed conflict of interest be discovered and proved, the Chancellor or Vice-Chancellor (or his/her nominee) may instruct the member to take particular actions to manage or remove the conflict.