



**EXCELSIA**  
**COLLEGE**  
Sydney - Australia

**THIS POLICY IS CURRENTLY UNDER REVIEW BY ACADEMIC BOARD**

**Document Name**

**CONFLICT OF INTEREST POLICY**

**Document Number**

**PO-STA-04**

**Document Status**

Author	Chief Executive	February 2012
Approving Authority	Academic Board	February 2012
Publication	Issue 3	September 2018
Review Date	Review of Issue 3	September 2020

## Purpose

Excelsia College is committed to high standards of ethical conduct and accordingly places great importance on all persons engaged in any capacity with the College understanding, avoiding, and/or resolving perceived, actual or potential conflicts of interest.

By definition, a conflict of interest exists where one's private interests, including those of family, friends and business associates, may improperly influence the performance of one's responsibilities in a position of trust. Persons in a position of trust include members of the staff, committees and boards of Excelsia College and those undertaking research on behalf of or in conjunction with the College.

A conflict of interest may arise in the performance of one's responsibilities in a number of ways, including, but not restricted to: financial dealings; developing or applying policies, procedures, or codes; the engagement or dismissal of staff; internal and external reporting on academic or non-academic matters; supervising or advising staff or students in academic or non-academic matters; handling or marking student assessments or research; undertaking or disseminating research; communicating with third parties about the College, its staff, students, or committees.

An actual conflict of interest is a clear and direct conflict between one's College responsibilities and private interests in some matter that may improperly influence the performance of those responsibilities. A potential conflict is where one's private interests could conflict with one's College responsibilities in some matter. A perceived conflict is an appearance of conflict, or speculation regarding same, whether or not this is in fact the case.

Conflicts of interest vary greatly in importance, from the trivial to the significant. This policy relates only to significant conflicts of interest, that is, those conflicts of interest that, in the eyes of a reasonable and disinterested third party, may result in the improper performance of one's responsibilities, or in the distortion of one's judgment in deliberations on matters relating to the performance of one's responsibilities, so as to materially affect the College, its students and/or staff.

Aside from the ethical implications of actual or potential conflicts of interest, the College faces specific risks, including possible financial, legal or reputational damage. Most importantly, staff and students may be adversely affected both directly and indirectly by decisions that are unduly influenced by personal interests.

Therefore, all persons in a position of trust with respect to the College, hereinafter referred to as members of staff, are required to act in good faith with respect to their responsibilities, and need to be aware of the potential for a conflict of interest to arise, always acting in the best interests of the College, its students and staff. Likewise, where a perceived conflict of interest relating to a member of staff is brought to the attention of the College, it is beholden on the College to investigate the matter fairly and to make a determination as to whether or not there is an actual or potential conflict.

The purpose of this policy is to set out the procedures for avoiding, and, where required, managing conflicts of interests.

## **Policy Statement**

The following is in part adapted from the *Good Conduct and Administrative Practice Guidelines* developed by the Office of the New South Wales Ombudsman (NSW Ombudsman, 2003), the NSW Independent Commission Against Corruption *Report on Investigation into Local Government, Public Duties and Conflicting Interests* (ICAC, 1992), and the University of Newcastle's *Avoiding Conflicts of Interest Policy* (University of Newcastle, Policy document 000420, September 2001.)

### **1.1 General Principles**

Members of staff should:

- 1.1.1 not take into account personal interests or any other irrelevant considerations when discharging official functions or performing official duties.
- 1.1.2 avoid situations in which private interests impact upon or may impact upon the discharge of their responsibilities with the College;
- 1.1.3 seek advice, in confidence, from the Director of Quality, the Chief Academic Officer or the Chief Executive if they believe that they may have a conflict of interest;
- 1.1.4 seek advice, in confidence, from the Director of Quality, the Chief Academic Officer or the Chief Executive if they believe that another member of staff may have a conflict of interest.

### **1.2 Confidentiality**

- 1.2.1 The College shall take all necessary steps to ensure the confidentiality of information relating to conflicts of interest or perceived conflicts of interest. Internal disclosure should be limited strictly to those members of staff who need to have access for official purposes. The need to restrict access and maintain confidentiality affects filing and storage practice. Details of matters relating to conflicts of interest or perceived conflicts of interest shall be kept in confidential files held in the office of the Chief Executive.
- 1.2.2 It is legitimate for those involved in resolving a matter to seek advice and/or assistance from people with relevant expertise. The choice of person to whom a disclosure may be directed may be influenced by a number of factors, in particular, the potential involvement of that person or another in the conflict of interest, or some other matter of confidentiality or privacy. Should the member of staff believe that it is not appropriate to discuss or disclose an actual, potential or perceived conflict of interest with their supervisor, the Director of Quality, Chief Academic Officer or Chief Executive, the member of staff may then approach the Chair of the Board of Directors.

### **1.3 Avoiding Conflicts of Interest**

Members of staff must:

- 1.3.1 perform their duties impartially;
- 1.3.2 avoid situations in which private interest, whether financial or otherwise, conflicts or might reasonably be thought to conflict with their official responsibilities, as determined by the law, their job descriptions, College policies, and any other agreements they may have with the College;

- 1.3.3 disclose any potential or actual conflict of interest to their supervisor, the Director of Quality, the Chief Academic Officer or the Chief Executive, as the member of staff deems appropriate in the circumstances;
- 1.3.4 in cases where a conflict of interest exists, or might reasonably appear to exist, obtain the authorisation of the Chief Executive to continue to discharge the duties in question or cease the duties in question until the Chief Executive has examined the matter and directed the member of staff in writing about further action and duties; and
- 1.3.5 not solicit or accept from any person any remuneration or benefit for the discharge of responsibilities to gain directly or indirectly a financial advantage, nor accept any gift or any other benefit other than that which is permitted by the College.

#### **1.4 Disclosing and Managing Conflicts of Interest**

- 1.4.1 In any matter where an actual or potential conflict of interest arises, the member of staff must immediately report such conflict to their supervisor, the Director of Quality, or the Chief Academic Officer and seek direction as to what if any future involvement there should be in the matter. The form of the disclosure must be sufficient to allow a decision to be made about its management. In many cases, compliance with the disclosure procedure will be the only management required.
- 1.4.2 Supervisors, the Director of Quality or the Chief Academic Officer may escalate a disclosed or perceived conflict of interest to the Chief Executive as they deem appropriate in the circumstances. A supervisor in receipt of a disclosed conflict of interest will exercise his or her judgment about the level of confidentiality necessary to manage the conflict. If in doubt, the supervisor should seek advice from the Director of Quality.
- 1.4.3 A supervisor will inform the member of staff disclosing a conflict of interest of their decision on further disclosure, where this arises. If this is not agreed between the parties, the matter will be referred to the Chief Executive.
- 1.4.4 Should a conflict of interest be resolved quickly and without any negative consequences for the College, its staff or students, then an escalation may not be required.
- 1.4.5 Where a supervisor is or may be implicated in a potential or actual conflict of interest, the supervisor shall take no action other than to immediately refer the matter to the Chief Academic Officer for a Heads of School, or to the Chief Executive for all other Department Heads, or to the Director of Quality if neither of the latter is deemed appropriate.
- 1.4.6 Where a disclosure is made and brought to the attention of the Chief Executive, the Chief Executive may:
  - authorise in writing continuation of the involvement of the member of staff in the matter;
  - require the member of staff to cease acting in any or all aspects of the matter;
  - direct the member of staff to cease involvement with a third party to the matter; or
  - issue any other directive required to avoid the conflict of interest.
- 1.4.7 Where a conflict of interest comes to the attention of the Chief Executive through a source other than the affected member of staff, the Chief Executive may:

- investigate the matter and take advice as he deems appropriate;
- consult with the affected staff member and others as he deems appropriate;
- take whatever lawful action he deems appropriate in the circumstances to protect the interests of the College, its staff and students.

1.4.8 The Chief Executive will keep a record of all reports of conflicts of interest and all directions given about the handling of each matter that is brought to his attention.

## **Review and Appeal**

Where a supervisor, the Director of Quality or the Chief Academic Officer advises against a member of staff continuing an activity that is deemed to be a conflict of interest, the member of staff may seek to discuss the matter further with the Chief Executive either by way of appeal or negotiation.

At all times, members of staff retain the right to lodge a grievance in accordance with College policies where they believe that an actual, potential or perceived conflict of interest has been addressed inappropriately or unfairly.