

Conflict of Interest Policy

Policy Category	Policy/guideline/procedure/rules		
Review	3 years from date of Approval		
Policy Code	GP001		
Contacts	policy@imc.edu.au		
Version	Approval Authority	Approval Date	Commencement Date
2024.04	Deputy President (Management)	18 April 2024	18 April 2024

1. PURPOSE

Australian National Institute of Management and Commerce (the Institute) promotes an environment founded on the principles of honesty, responsibility and accountability. Conflicts of interest may adversely affect, or may have the appearance of adversely affecting, sound and professional judgement. In order to act ethically and with integrity it is essential that conflicts of interest are appropriately managed. This policy outlines key features and examples of conflicts of interest and provides clarity on the Institute's procedures for identifying, declaring and managing conflicts of interest appropriately.

2. SCOPE

This policy applies to all staff members of the Institute. It should be read in conjunction with the *Code of Conduct for Staff*.

3. DEFINITIONS

Conflict of Interest is a conflict between duties or responsibilities associated with or imposed by the Institute, and private interests or personal relationships, where the private interests or personal relationships could improperly influence the way in which a person carries out their official duties as required by their role at the Institute. A conflict of interest may be actual, perceived or potential.

External Entity means any person or organisation which is not the Institute.

External Interest refers to holding a remunerated or honorary position in, or having a financial interest in, an external entity or having a consulting arrangement with an external entity.

Financial Interest is any interest that could result directly or indirectly in receiving a monetary gain or sustaining a monetary loss.

Like Business is any business which bears resemblance to the Institute, such as an Australian Higher Education provider offering similar programs to the Institute.

Perceived Conflict of Interest is where a reasonable person might perceive that there may be improper influence or benefit because of a conflict of interest.

Potential Conflict of Interest is where a conflict may arise in the future between duties and responsibilities and private interests.

Personal Relationship is a relationship with an individual or group of people that extends outside of the Institute, or beyond duties relating to employment with the Institute. A Personal Relationship might also include a relationship where a reasonable person might perceive that there could be some bias, either positive or negative, resulting from that relationship. These include relationships with:

- i. immediate family members, such as a spouse or partner, parents, children, step-children, etc;
- ii. close relatives, such as aunts, uncles, cousins, nephews, nieces etc;
- iii. sexual partners;
- iv. rivals, e.g. competitors or persons with whom one has a history of serious conflict or enmity; and
- v. the relatives of any of the above listed in (i) to (iv).

Private Interest is an interest that involves potential gain or loss for an individual or for any other person or organisation that a person may wish to benefit. (e.g. family, friends, and associates) or disadvantage (e.g. competitors, rivals). Such examples include but are not limited to:

- i. Employment, including self-employment
- ii. Contractual, business interests, including relevant directorships and shareholdings.

4. PRINCIPLES

4.1 The Institute acknowledges that conflicts of interest or potential conflicts of interest may arise from time to time in many aspects of the Institute's operations including research, teaching, assessment, staffing, administration and commercial activity. However, it is important to adhere to a system of dealing with conflicts of interest involving identification, declaration and appropriate management.

4.2 A conflict of interest can be classified as: a potential conflict of interest (e.g., a staff member in a close personal relationship with an Institute student); a perceived conflict of interest (e.g., a staff member consults for a business which is sponsoring the staff member's research); or an actual conflict of interest (e.g., a staff member assesses a tender submitted by a business in which the staff member has a financial interest). Irrespective of the classification of the conflict of interest, it must be dealt with transparently and appropriately.

4.3 Staff who are charged with carrying out activities and functions as part of their employment with the Institute have a responsibility to declare and manage conflicts of interest as they arise. A conflict of interest should be avoided if possible, however where avoidance is not possible, action must be undertaken to ensure that the conflict is managed in a transparent and appropriate manner so as not to adversely affect the Institute.

4.4 Perceived conflicts of interest can have a negative impact on the Institute and can potentially undermine the ethical framework set by the *Code of Conduct for Staff*. Staff should seek to avoid unnecessary conflicts of interest by ensuring compliance with the Code's requirements such as those related to 'Professional Relationships', 'Gifts' and 'External Work'.

4.5 Individuals who are considered to have breached the Institute's requirements regarding the management of conflicts of interest as set out in this policy may be subject to disciplinary action.

4.6 Senior management has a leading role in setting the benchmark for ethical conduct and the maintenance of a culture of transparency and integrity in all activities. The Council is responsible for assuring the effective management of conflicts of interest as part of its governance role.

5. PROCEDURE

5.1 Identifying a Conflict of Interest

Conflicts of interest are often obvious but where there is uncertainty on whether a conflict of interest exists, parties should:

- a) Consider whether the action or activity is consistent with the Institute's values as outlined in the *Code of Conduct for Staff*;
- b) Consider whether the action or activity is consistent with the individual's Employment Agreement with the Institute;
- c) Consider whether the action or activity is damaging to the Institute's financial interests or reputation;
- d) Seek guidance and advice from supervisors or senior managers;
- e) Seek independent external advice;
- f) Consider whether the action or activity is consistent with community values, standards and behaviours;
- g) Consider how the action or activity might look to other people who care about the decision or outcome, or to other people who come to know about it; and
- h) Consider whether the relationship or interest might compromise an individual's ability to exercise sound judgment.

5.2 Evaluating a Conflict of Interest

An evaluation of whether or not a conflict of interest exists should consider the following key question. *Is it possible that an individual will be influenced, or appear to be influenced, by a private interest or commitment when carrying out their duties and responsibilities as a staff member of the Institute?*

The evaluation should focus on the staff member's official role and the private interests and whether a reasonable person would think that these interests could conceivably conflict, or appear to conflict, with the staff member's role.

Where there is uncertainty on whether or not a conflict of interest exists, staff members should consider if the situation is consistent with requirements of the *Code of Conduct for Staff* and with the staff member's Employment Agreement with the Institute. Staff members may also seek guidance and advice from supervisors or senior managers. Confidentiality will be maintained at all times.

5.3 Examples of Conflicts of Interest

The following examples are provided for the purpose of developing a better understanding of the nature of Conflicts of Interest so that individuals will be able to recognise conflicts when they arise and take appropriate action in regard to their management.

- a) Holding shares that have a value of 15% or more ownership of an external like-business;
- b) Holding a directorship or management role with an External Entity or a like-business;
- c) Actively approaching or attempting to induce or coerce current employees of the Institute for the purpose of working in a like-business as set out above at (a) and (b);
- d) Using paid employment time at the Institute to conduct affairs for other like-businesses, for example, using the Institute's computer, equipment and/or other resources during work hours to process documents for other like-business;
- e) Using the Institute's intellectual property to assist a like-business or for purposes relating to a Private interest;
- f) Using the Institute's internal and confidential information to assist a like-business or for purposes relating to a Private interest;
- g) Using the Institute's network (for example, the Institute's student agents) and/or public relations to assist the marketing of a like-business or for purposes relating to a Private interest; h) Using one's employed position at the Institute as leverage to approach external investors into a like-business or for purposes that relate to a Private interest;
- i) Participating in contractual arrangements where one has a Private interest in or a Personal Relationship with a firm or company or someone involved with a firm or company;
- j) Having or carrying on an intimate (including sexual) relationship with a fellow staff member or student. For further information relating to relationships between staff members and students, please refer to the Institute's Staff and Student Relationships Policy;
- k) Trading in an external entity which is presented to hold links to the Institute;
- l) Advocating or lobbying for the goods or services of a firm where one has a Private Interest;
- m) Assessing, recommending or approving of the Institute entering into a commercial agreement with a company which the staff member has a Private Interest in or a Personal Relationship with. For example, where the staff member recommends or suggests a supplier of a service in which they have a Private Interest; and
- n) Making false representations purporting to deliver services on behalf of the Institute.

If Staff members have any questions regarding this Policy and Declaration, please contact the Deputy President (Management).

5.4 Declaration and Disclosure

As a condition of ongoing employment, all staff members are required to identify, declare and manage conflict of interest and sign and submit the *Declaration of Private Interests Form*. This ensures that all staff members are aware of the nature and risks of conflicts of interest and their obligation to disclose any conflicts of interest that may arise in the course of their employment at the Institute. If any staff members feel unsure or uncertain on identifying conflicts of interest, they should discuss with their Supervisor in the first instance. All information will be treated in a confidential manner.

Disclosures of conflicts of interest, including potential and perceived as well as actual conflicts of interest should be made by individuals in writing, using the *Conflict of Interest Disclosure Form*. Disclosure must include details of the nature of the conflict of interest. It must also provide information on the measures that will be put in place to manage the conflict of interest, as decided by the Deputy President (Management).

At times, a conflict of interest may not be identified because it is a relatively minor matter. A minor matter that occurs frequently, however, may become substantial. Regardless of how minor a conflict of interest may seem, it is important to make a disclosure.

Where a conflict of interest relates to an ongoing matter, the strategy chosen for its management must be reviewed at regular intervals to ensure it remains appropriate. Where circumstances affecting a disclosed conflict of interest change, any declarations should be amended accordingly, and the risk management strategy revised, as appropriate.

The timing and nature of disclosing a conflict of interest will largely depend on the circumstances at the time. For example, if the staff member is involved in the development of the specifications for a tender in which an individual with whom they have a personal relationship or a company in which they have a personal interest could submit a tender, their disclosure of a conflict of interest should be early in the process.

Where a staff member's supervisor or a Deputy President becomes aware of a conflict of that has not been disclosed, they should discuss the matter with the individual, informing them of their obligation to disclose the conflict of interest in writing. Alternatively, it should be reported to the Deputy President (Management), as a matter of urgency and if appropriate, a risk management strategy should be put in place.

The Deputy President (Management) is responsible for ensuring that staff declarations and disclosures are current and included in the *Register for Conflicts of Interest*.

5.5 Management of Conflicts of Interest

Conflicts of interest can often be effectively managed without detriment to the integrity of the Institute or detriment to individuals involved. Problems are likely to arise when a conflict of interest or potential conflict of interest is considered likely to exist but is not openly acknowledged or managed appropriately.

Where it is not possible to avoid a conflict of interest, a risk management strategy should be adopted. Depending on the circumstance, a range of strategies can be undertaken, including:

- Conducting an investigation of the matter and discussing with the individual, on a confidential basis, ways of resolving or appropriately managing the conflict of interest;
- Requiring the individual to relinquish or quarantine the personal interest in a timely manner;
- Removing the individual from the decision making process or from exercising management duties in regard to the matters to which the conflict of interest relates; or
- The individual removing themselves from or not taking part in debate and/or discussion of matters relating to the conflict of interest.

Additional advice on managing conflicts of interest can be sought from the Deputy President (Management) or from relevant external authorities. Management plans for monitoring and mitigating a potential conflict of interest must be documented on the *Conflict of Interest Disclosure Form* and included in the *Register for Conflicts of Interest*.

6. RELATED DOCUMENTS

- i. *Code of Conduct for Staff*
- ii. *Employee Handbook*
- iii. *Research Code of Conduct*
- iv. *Staff Student Relationships Policy*

Version Control

Historical Version	Approved by	Approval Date
2017.02	Principal	17 February 2017
2021.03	Provost	1 March 2021
2024.04	Deputy President (Management)	18 April 2024