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[Governance and Management Processes](#)

# Managing Conflicts of Interest Policy (MPF1366)

## Managing Conflicts of Interest Policy (MPF1366)

### 1. Objectives

1.1. The activities of the University of Melbourne, encompassing learning and teaching, research and its commercialisation, knowledge transfer, innovation, and engagement with society and its challenges, exist to serve Victorian, Australian and international communities and the public interest. The effective management of conflicts of interest that arise in University life preserves and protects the high standards and reputation of the University, its assets and resources, the work and professional reputations of its staff and students, as well as the interests of its stakeholders, including external funding partners and the general public.

1.2. In undertaking the work of the University, it is inevitable and natural that conflicts of interest will arise. In order for the work of the University and its people to proceed responsibly and successfully, each of us is responsible for proactively and effectively managing the risks posed by conflicts of interest, as they arise.

1.3. This policy aims to ensure that conflicts of interest are effectively identified, declared and managed by those undertaking the work of the University and its controlled entities.

### 2. Scope

2.1. This policy applies to the following people within the University and its controlled entities, in respect of all University matters:

- a) employees;
- b) officers;
- c) council members, including members of council committees who are external to the University and who are not council members;
- d) graduate researchers; and
- e) honorary, visiting and adjunct appointees.

2.2. In this policy, reference to duties or obligations owed to the University, the interests of the University, and assets and resources of the University, include those of or owed to the controlled entities of the University. Controlled entities must adopt and implement this policy, or a policy which is equivalent to this policy in all material respects.

2.3. 'University matters' means any activity conducted by or on behalf of or reasonably connected with the University or its controlled entities, whether in-person or online, on campus or off campus, including without limitation (whether directly or through proxies or delegates):

- a) carrying out work in or related to teaching, research, applying for or receiving funding, donations, grants, investments or other financial contributions towards research or other University activities, clinical trials, research translation or commercialisation, partnerships including under external funding arrangements, student admission, supervision including graduate research and clinical supervision, assessment, procurement, recruitment, appointment, confirmation, promotion, and all other

- academic, professional and support activities;
- b) decision-making as an individual or as a member of a group, board or panel; and
- c) entering into an agreement, undertaking or arrangement.

### 3. Authority

3.1. This policy is made under the [University of Melbourne Act 2009 \(Vic\)](#) and supports compliance with relevant legislation, the University of Melbourne Enterprise Agreement 2018 and any subsequent renewal, amendment or replacement.

### 4. Policy

4.1. A conflict of interest is a conflict between:

- a) a person's private interests and the interests of the University; or
- b) a person's private interests and their duties and responsibilities to the University; or
- c) a person's professional obligations, activities or interests (such as an obligation to an outside organisation, body or employer) and their duties or responsibilities to the University or the interests of the University.

4.2. Conflicts of interest can be actual, potential or perceived:

- a) an actual conflict of interest occurs where there is in fact a conflict of interest;
- b) a potential conflict of interest occurs where there is the possibility of a conflict of interest, or circumstances exist that could create a conflict of interest; and
- c) a perceived conflict of interest occurs where it could reasonably be perceived or give the appearance to another person that a conflict of interests exists, whether or not an actual or potential conflict of interest exists.

4.3. A conflict of interest can exist even where the private interests or competing professional obligations, activities or interests of the person and the interests of the University appear to align. When a person is considering whether a conflict of interest could exist, it is irrelevant whether both the University and that person would appear to benefit.

4.4. A conflict of interest may include the use of University resources or assets to advance a person's private interests or competing professional obligations, activities or interests. This includes the use of University premises, facilities (e.g. laboratory facilities), equipment, time and effort of University staff and graduate researchers, information technology, intellectual property, confidential information and any other University resources, whether tangible or intangible.

#### Private interests

4.5. Private interests include:

- a) engaging in external work;
- b) having a financial interest;
- c) having a non-financial interest;
- d) having a current or past personal relationship; and
- e) the actual or anticipated receipt of personal gifts.

4.6. Private interests also include the financial interests or non-financial interests of, or the actual or anticipated receipt of personal gifts by, a person with whom the person covered by this policy has a personal relationship, where the person covered by this policy knew or ought reasonably to have known of those interests or gifts.

#### Obligations

4.7. Each person covered by this policy must identify, disclose and manage their own conflicts of interest in a way that:

- a) is in the best interests of the University in relation to University matters;

- b) does not allow their private interests or competing professional obligations, activities or interests to interfere with their obligation to act in the best interests of the University or to influence their decisions made in relation to University matters ; and
- c) avoids the unapproved use of University assets or resources, including those listed in section 4.4 above, to further their own private interests.

4.8. Each person covered by this policy must (except as provided for in sections 4.12 and 4.13):

- a) promptly identify and as soon as practicable declare that conflict of interest and submit a management plan for that conflict of interest in the online central register (for the appropriate reviewer to approve), in accordance with the Procedural Principles below, and
- b) ensure that the disclosures and management plans that they submit are full, accurate and current, and that they are updated as necessary.

4.9. Where a person covered by this policy has a conflict of interest, they may not conduct University matters unless:

- a) they have lodged a disclosure and management plan for that conflict of interest in the University's online central register;
- b) the management plan proposes to allow the person to continue to conduct that University matter, amongst other forms of management;
- c) the management plan has been approved by the reviewer on behalf of the University or is awaiting the reviewer's approval; and
- d) the person complies with all the requirements of that management plan once it has been approved, while the conflict of interest exists.

4.10. A person who is unsure about whether a conflict of interest exists, how to prepare a conflict of interest disclosure or proposed management plan, or otherwise how to manage a conflict of interest, should seek advice in accordance with the Procedural Principles below. If still in doubt, the person must make a declaration of the conflict of interest in the online central register.

4.11. A person who is advising on, considering or approving another person's management plan for a conflict of interest must themselves be free from conflict of interest in the matter. If they have a conflict of interest in relation to the matter, they must withdraw from exercising those responsibilities. The Procedural Principles below list alternatives for those roles in the event of such a conflict.

## Disclosures made in University committees

4.12. Where an individual member of a University committee has a conflict of interest in relation to a particular matter being discussed in a meeting of that committee, and the conflict of interest is isolated to that particular matter, that individual member does not need to lodge a disclosure and management plan for the conflict of interest in the University's online central register, as long as the individual member makes a disclosure of that conflict of interest to the University committee in accordance with the rules governing that University committee.

## Disclosures made by employees of controlled entities

4.13. Where a person in a controlled entity is obliged under this policy to lodge a disclosure and management plan under this policy, but does not have access to the University's online central register, they must instead send the disclosure and management plan in writing to the CEO or equivalent of the controlled entity, or their delegate or delegates. The CEO or equivalent, or their delegate or delegates, will then review the disclosure and management plan in accordance with the procedural principles below, or principles which are equivalent in all material respects.

## Concurrent ethical, legal and employment obligations

4.14. People covered by this policy may have concurrent ethical, legal, contractual and/or employment obligations in relation to matters about which they have a conflict of interest. However, a person's compliance with those obligations, including to an external party, does not replace their obligations to the University under this policy.

4.15. Where the risks resulting from a potential conflict of interest are significant, particular attention is required, including the following examples.

a) **Research, collaboration, translation and the commercialisation of research** - Competing private and professional obligations arising in the context of research, collaboration, research translation and commercialisation can create conflicts of interest for members of the University community that require careful attention and management.

The University recognises that substantial benefits can arise from research collaborations and the translation and commercialisation of research, including partnerships and relationships with industry in the licensing and marketing of research discoveries, as well as the creation of spin-off companies. However, those involved in these activities must act with the highest standards of probity and ethics in disclosing and managing conflicts in this area. In particular, researchers with an actual, potential or perceived financial or non-financial interest or role (e.g. CTO, Scientific Advisor) in a spin-off or start-up company or other entity involved in the translation or commercialisation of research, must disclose their conflict of interest prior to any involvement in the project. This includes situations in which a researcher has an interest or role in a spin-off or start-up company that is:

- i. funding research at the University; or
- ii. intending to employ graduate students whom the researcher supervises or mentors; or
- iii. intends to utilise intellectual property derived from their work or the work of those students.

Additional guidelines also apply specifically to the conduct of research and the commercialisation of research, including :

- iv. [Australian Code for the Responsible Conduct of Research 2018](#)
- v. Guidance issued under the Research Integrity and Misconduct Policy ([MPF1318](#))
- vi. Graduate Research Training Policy ([MPF1321](#))
- vii. [Guidelines](#) concerning commercial activities in accordance with Part 6 Division 6 of the *University of Melbourne Act 2009* (Vic) (which bind the University)
- viii. Funder requirements
- ix. [Public Health Services/National Institutes of Health Project Financial conflict of interest \(FCOI\) Requirements](#)

b) **Supervision and assessment of graduate research** – Competing private and professional obligations and interests can create the potential for conflicts of interest for supervisors or examiners and risks to their impartiality, including the following scenarios.

- i. There is a close personal relationship or employment relationship between members of a supervision panel and/or the advisory committee chair which means that they are not independent of each other.
- ii. There is a close personal relationship or an employment relationship between one or more members of the supervision panel and the graduate researcher/candidate.
- iii. The supervisor has other research interests, including research that is subject to external or commercialisation agreements, and the graduate researcher's activities has relevance to those research interests, such that the supervisor's supervision of the graduate researcher may not be impartial.
- iv. The supervisor has other University interests, such as in recruitment or delivery of University goals, and the graduate researcher is a candidate for, or is participating in, those activities.
- v. There are individuals with whom the supervisor has external collaborative or personal relationships and the supervisor is undertaking duties such as examination of theses in which those individuals have an interest.

c) **Procurement, contracts and financial activities** – All Procurement activities, projects, as well as the negotiation of contracts on behalf of the University and all financial activities and decisions on behalf of the University, must meet the highest standards of ethical conduct, and are subject to strict legal and policy requirements. This includes a strict adherence to the requirements contained in the Contracts Policy ([MPF1247](#)), Financial Code of Conduct Policy ([MPF1338](#)), Fraud and Corruption Management Policy ([MPF1351](#)), and Procurement Policy ([MPF1087](#)).

d) **Foreign interference** – In addition to the obligation to make disclosures of conflicts of interest under this policy, academic staff may have separate obligations to make a disclosure. These include obligations under the *Foreign Influence Transparency Scheme Act 2018* (Cth), the Foreign Arrangements Scheme (under the *Foreign Relations Act 2020* (Cth)), or otherwise as directed by the University consistent with the *Guidelines to Counter Foreign Interference in the Australian University Sector*. If in doubt, the person must make a disclosure under each University process.

e) **External Work** – Undertaking external work not only has the potential to amount to a conflict of interest under this policy (under section 4.5(a)), but persons covered by this policy may also have a separate obligation to make a disclosure in advance of undertaking any work that is external to the University, under the Outside Work Procedure ([MPF1129](#)).

4.16. Contravention of this policy may amount to misconduct or serious misconduct. An employee in breach of this policy may be subject to disciplinary action, up to and including termination of employment.

4.17. Other potential consequences of a failure to manage a conflict of interest in accordance with this policy include:

- a) the unwinding of commercial agreements;
- b) contractors being subject to contract renegotiation or termination of contract;
- c) a person being required to step down from boards, University committees or other governance roles;
- d) a graduate research supervisor's registration being revoked;
- e) decisions, actions or appointments being invalidated; and
- f) conduct constituting corrupt conduct under the *Independent Broad-based Anti-Corruption Commission Act 2011* (Vic).

## 5. Procedural principles

### Disclosure and management of a conflict of interest

5.1. The person planning to lodge a disclosure of a conflict of interest and proposed management plan in the University's online central register ('the discloser') is encouraged to seek advice and assistance in accordance with section 5.5 below.

5.2. After being lodged in the University's online central register, disclosures of conflicts of interest and management plans must be reviewed by the following persons ('the reviewer' in each case):

- a) in the case of members of University committees, the Chairperson of that University committee, or delegate;
- b) in the case of academic and professional staff in Faculties, graduate researchers, honorary, visiting and adjunct appointees, the Dean of the Faculty in question, or their delegate or delegates (being a Head of School, Head of Department or equivalent position);
- c) in the case of professional staff and officers working in the Chief Operating Officer's portfolio and in Chancellery, the Head of the Budget Division in which the person works, or their delegate or delegates (being an Executive Director or equivalent position);
- d) in the case of a person in a controlled entity covered by this policy, the CEO or equivalent position of the controlled entity, or their delegate or delegates;
- e) in the case of a Dean, the Provost or delegate;
- f) in the case of the Head of a Budget Division who is not a Dean, the Vice-Chancellor or delegate; and
- g) in the case of any person who has been delegated as a reviewer in a Faculty or in Chancellery, their supervisor.

5.3. If the person listed under section 5.2 above also has a conflict of interest in relation to the matter disclosed, that person must withdraw from exercising that decision-making responsibility and transfer the disclosure to a new reviewer who will be:

- a) in the case of a Dean, the Provost or delegate;
- b) in the case of the Head of a Budget Division who is not a Dean, the Vice-Chancellor or delegate; and
- c) in the case of any person who has been delegated as a reviewer in a Faculty or in Chancellery, their supervisor.

5.4. The reviewer must promptly review each conflict of interest disclosure and proposed management plan that is allocated to them in accordance with sections 5.2 or 5.3 above, and either:

- a) approve the proposed disclosure and management plan, in which case:

- i. the discloser and the discloser's supervisor (if the discloser is a staff member) will be automatically notified via the online central register and should provide a copy of the disclosure and management plan to the discloser's supervisor, and
- ii. the discloser's supervisor should oversee the discloser's adherence to the approved management plan (unless the supervisor has a conflict of interest in relation to the matter, in which case the discloser's two-up supervisor should oversee adherence);

or

b) not approve the proposed disclosure and management plan, in which case:

- i. the reviewer may provide feedback to the discloser in the online disclosure platform or in a discussion with the discloser ;
- ii. the discloser will be automatically notified of the reviewer's decision, and any recommended actions and feedback, via the online central register; and
- iii. unless the decision of the reviewer is that no conflict of interest exists or that the disclosure has been submitted in error, the discloser must, after considering the feedback of the reviewer and where necessary seek further advice, revise the disclosure and management plan and lodge it in the online central register for the reviewer to review again.

5.5. People covered by this policy who are unsure about whether a conflict of interest exists, how to prepare a conflict of interest disclosure or proposed management plan, or otherwise how to manage a conflict of interest, should seek advice from their supervisor, two-up supervisor (if their supervisor has a conflict in the matter), the Research Governance Senior Officer (Conflict of Interest) or staff in the Office of Research Ethics and Integrity for research-related COI matters, or Human Resources for non-research-related matters.

5.6. After lodging a disclosure and management plan in the online central register, the discloser will have ongoing access to that information. If circumstances change that affect the conflict of interest or its management (including the cessation of the conflict of interest), the discloser must promptly update the details of the original disclosure and its management plan in the online central register, or lodge a new disclosure and management plan.

## **Disclosure by members of council and the University Executive**

5.7. In addition to declaring any conflicts of interest as they arise under the above provisions, all members of council (including members of council committees who are external to the University and who are not council members) and members of University Executive must make annual disclosures about their private financial, business, personal and other interests or relationships that influence, have the potential to influence, or could be perceived to influence, decisions they make, advice they give or their conduct in fulfilling their duties and responsibilities.

## **Periodic disclosure by Chairs of University committees**

5.8. Where an individual member of a University committee makes a disclosure of a conflict of interest to that University committee in accordance with section 4.12 :

- a) the Chair of that committee must record the disclosure and agreed management plan for the conflict of interest in the Minutes of that meeting, with supporting documents as required; and
- b) on request, allow the Chief Human Resources Officer (who is the administrator of the central online register), Research Governance Senior Officer (Conflict of Interest) or delegate to review the records of all such declarations and management plans, including relevant extracts from the Minutes of each of the meetings in question and any other relevant documents, for the purpose of assessing the adequacy of the committee's handling and management of conflicts of interest.

## **Record-keeping and privacy**

5.9. The administrator of the central register of conflict of interest disclosures and management plans is the Chief Human Resources Officer.

5.10. Access to conflict of interest disclosures , m anagement plans and any attachments held in the central register is limited to people making disclosures ('disclosers'), reviewers, the administrator and those University staff or external advisors who require access in order to manage or support the management of a conflict of interest, advise on a conflict of interest, administer or support the University's

conflict of interest management scheme and central register, facilitate the identification and management of conflicts of interest, prepare de-identified reports of conflict of interest disclosures, handle complaints, attend to funder requirements or any other reasonable purpose.

5.11. The University will ensure that all personal information collected, stored, used or disclosed under this policy is subject to appropriate privacy restrictions including under the University's Privacy Policy ([MPF1104](#)), Records Management Policy ([MPF1106](#)) and the [University Retention and Disposal Authority](#).

5.12. Reports which summarise de-identified disclosures and management plans will be provided to the administrator, University leaders, governance bodies and others listed above.

## 6. Roles and Responsibilities

Unless otherwise specified, roles and responsibilities are performed as required by the nominated authorised officer as per the University's [delegations of authority](#).

## 7. Definitions

**Conflict of interest** is defined in sections 4.1 to 4.4 of this policy.

**Controlled entities** means all entities that are subject to the control of the University in terms of section 50AA of the Corporations Act 2001 (Cth).

**Employee** means an individual employed by the University or by a controlled entity. Employee is also commonly referred to as staff member, academic staff member or professional staff member.

**External Work** means any employment or other form of paid or unpaid work that is not undertaken for the University or its controlled entities, or as part of the normal duties of the employee's role, and includes: proprietorship, directorship, trusteeship, independent contracting, consultancy in a private capacity, a governance or advisory role, and honorary, visiting or adjunct appointments to other Universities or institutions.

**Financial interest** means any employment, consultancy, appointment, business activity or any other right, claim, title or legal share in something that has a monetary or equivalent value. A financial interest includes, but is not limited to:

- a) the right to receive distributions from a trust,
- b) directorships or trusteeships of a trust or company,
- c) legal or beneficial ownership of a trust or company,
- d) significant shareholding (more than 5% of issued capital) in a public or private company, or a significant holding of share options or access to dividends,
- e) the right to receive remuneration or other benefits such as distributions, salaries, fees from company directorship or board membership, consulting fees, allowances or discounts,
- f) a right or benefit which has financial worth including the provision of materials, premises, facilities, equipment, time and effort of staff, information technology, intellectual property or confidential information and other resources, whether tangible or intangible, or
- g) any other source of or right to income of more than \$10,000 per annum other than from paid employment with the University.

A financial interest does not include rights, claims, titles or legal shares in assets or rights where:

- h) the person has no direct control over the assets or rights in which the conflict of interest may arise or be perceived to arise (for example, holding shares in a large publicly listed company of less than 5% of issued capital); or
- i) where the interest is so small that it could not reasonably be perceived to have any impact on the decisions or actions of the person in undertaking University matters.

**Funder requirements** means any rules, policies, regulations or contractual requirements relating to private interests and/or conflicts of interest, which are imposed by externally-funded or jointly-funded research on the University, its controlled entities or the people covered by this policy, including pre-award and post-award.

**Graduate researchers** means people admitted to a Research Degree as defined in the Courses, Subjects, Awards and Programs Policy ( [MPF1327](#) ) or whose research under consideration was undertaken while admitted to a Research Degree.

**Management plan** means a plan that records the management of a conflict of interest under this policy.

**Non-financial interest** means the formal or informal, paid or unpaid membership, participation, activity or involvement of people covered by this policy in any community, professional, sporting, religious or political club, party, company or other formal or informal association or group, including directorships and board or committee memberships for which the person receives no monetary benefit.

**Personal gifts** means a gift, or series of gifts, of the following:

- entertainment, hospitality, travel or other benefit or personal favour; or
- an item of property, whether of a personal nature or otherwise.

Personal gifts do not include catering for formal or informal meetings at the University, farewell gifts for staff, and gifts to which fellow employees have contributed that could not be perceived to influence or be intended to influence a decision made or action taken on behalf of the University.

**Personal relationship** includes:

- immediate family, which includes a spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild or sibling of the person, or a child, parent, grandparent, grandchild or sibling of the person's spouse or de facto partner, step-relations (e.g. step-parents and step-children) as well as adoptive relations,
- close personal friend that goes beyond collegiate working relationships,
- romantic, intimate or sexual partner,
- financial dependant, or
- business partner

which a reasonable person might perceive to influence a person's decision-making .

Personal relationship includes the above relationships between two staff members, or between a staff member and a graduate or undergraduate student.

Personal relationship does not include an ordinary working relationship which exists due to collaboration, where the colleagues are not immediate family, close personal friends, romantic or sexual partners, financial dependents or business partners.

**Private interests** is defined in sections 4.5-4.6 [of this policy](#) .

**University committee** means the following committees: University Council and its subcommittees, University Executive and its subcommittees, Academic Board and its subcommittees, University and Faculty Appointments and Promotions Committees, Student Selection committees (including committees for admission into Graduate research courses), Research Ethics committees, Student Academic Misconduct committees, Student Discipline Committees, Student Appeals Panels and the Boards of controlled entities.

**University matters** is defined in section 2 of this policy.

## **POLICY APPROVER**

Deputy Vice Chancellor (People & Community)

## **POLICY STEWARD**

Chief Human Resources Officer and OHS



## REVIEW

This policy is to be reviewed by 1 February 2025.

## VERSION HISTORY

<b>Version</b>	<b>Approved By</b>	<b>Approval Date</b>	<b>Effective Date</b>	<b>Sections Modified</b>
1	Deputy Vice Chancellor – People and Community	30 January 2023	1 February 2023	New Policy