

## **CONFLICT OF INTEREST POLICY (University Committees)**



Current version in effect from: 3 Dec 2020

Approved by Council: 13 Mar 2019

Revised by Council: 2 Dec 2020

### **1. Purpose**

1.1 The purpose of this policy is to assist members of the University of Divinity Council, the Academic Board, and all committees or panels ("University Committees") to identify, disclose and manage effectively any actual, potential or perceived conflicts of interest in order to protect the integrity of the University and to manage risk.

### **2. Objective**

2.1 The University of Divinity aims to ensure that members of University Committees are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of the University.

### **3. Scope**

3.1 This policy applies to all members of University Committees.

### **4. Definition of Conflicts of Interests**

4.1 A conflict of interest occurs when a person's personal interests conflict with their responsibility to act in the best interests of the University. Personal interests include direct interests as well as those of family, friends or other organisations in which a person may be involved or have an interest (for example, as a shareholder, board director). It also includes a conflict between a member's duty to the University and another duty that the member has (for example, to another higher education provider, church body). A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

4.2 Situations of conflict of interest present the risk that a person will make a decision based on, or affected by, such influences, rather than in the best interests of the University and must be managed accordingly.

### **5. Policy**

5.1 This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to the University if they are openly and effectively managed. It is the policy of the University of Divinity, as well as a responsibility of members of University Committees, that ethical, legal, financial or other conflicts of interest be avoided and, where they do arise, that they do not conflict with members' obligations to the University.

5.2 The University of Divinity manages conflicts of interest by requiring members University Committees:

- a) to avoid conflicts of interest where possible
- b) to identify and disclose any conflicts of interest
- c) to manage carefully any conflicts of interest, and
- d) to follow this Policy and respond to any breaches.

### **5.3 Responsibility of University Committees**

5.3.1 The University Council is responsible for:

- a) establishing a system for identifying, disclosing and managing conflicts of interest across University Committees
- b) monitoring compliance with this policy, and
- c) reviewing this policy on a regular basis to ensure that the policy is operating effectively.

5.3.2 The University Council must ensure that members of University Committees are aware of the Australian Charities and Not for Profits Commission governance standards, particularly governance standard 5, and that they disclose any actual or perceived material conflicts of interests as required by governance standard 5. See [www.acnc.gov.au/for-charities/manage-your-charity/governance-standards/5-duties-responsible-persons](http://www.acnc.gov.au/for-charities/manage-your-charity/governance-standards/5-duties-responsible-persons).

### **5.4 Identification and Disclosure of Conflicts of Interest**

5.4.1 Once an actual, potential or perceived conflict of interest is identified, it must be entered into the University of Divinity's Register of Interests, as well as being disclosed to the relevant University Committee. Where all other members of that University Committee share the conflict, the University Committee should refer to governance standard 5 to ensure that proper disclosure occurs.

5.4.2 The Register of Interests (see Appendix 1) must be maintained by the University Secretary and record information related to conflicts of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

5.4.3 Committee members are responsible for advising the University Secretary of any changes to their conflicts of interest in a timely fashion.

5.4.4 The University Secretary must contact all University Committee members on an annual basis to ensure that their disclosed conflicts of interest remain current.

### **5.5 Confidentiality of Disclosures**

5.5.1 Disclosures usually remain confidential to the University Committee, the Vice-Chancellor and the University Secretary but, as appropriate, may be disclosed to

the Academic Board in the case of its Committees or the University Council in the case of any University Committee.

## **6. Action Required for Management of Conflicts of Interest**

### **6.1 Conflicts of Interest of Members of University Committees**

6.1.1 Once a conflict of interest has been appropriately disclosed, the Chair of the Committee must decide whether or not those conflicted University Committee members should:

- a) vote on the related matter (this is a minimum)
- b) participate in discussion of the related matter, or
- c) be present in the room during discussion and the voting.

6.1.2 In exceptional circumstances, such as where a conflict is very significant or likely to prevent a University Committee member from regularly participating in discussions, the Chair of the Committee should consider whether it is appropriate for the person so conflicted to resign from the University Committee.

In deciding what approach to take, the Chair of the Committee will consider:

- a) whether the conflict needs to be avoided or simply documented
- b) whether the conflict will realistically impair the disclosing member's capacity to participate in decision-making impartially
- c) alternative options to avoid the conflict
- d) the University's objects and resources, and
- e) the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the University.

6.2.2 The approval of any action requires the agreement of at least a majority of members of the University Committee (excluding any conflicted member/s) who are present and voting at the meeting. The action and result of the voting must be recorded in the minutes of the meeting and in the register of interests.

## **7. Compliance with this Policy**

7.1 If a University Committee has a reason to believe that a person subject to this policy has failed to comply with it, it must investigate the circumstances. If it is found that this person has failed to disclose a conflict of interest, the University Committee may take action against the University Committee member. This may include concluding their membership of the University Committee or, recommending to the Chair of the Academic Board, Vice-Chancellor or Chancellor, as appropriate, that their relationship with the University cease.

7.2 If a person suspects that a University Committee member has failed to disclose a conflict of interest, they must notify the Chair of the University Committee or, if

the Chair is the member in question, the Chair of the Academic Board or Chancellor of the University, as appropriate.

**8. Date of Next Review**

8.1 This policy is to be reviewed no later than 31 December 2025.

