



# Australian Chiropractic College

## DECLARATION OF INTEREST AND MANAGEMENT OF CONFLICTS POLICY

<b>Institution</b>	ACC
<b>Policy name</b>	Declaration of Interest and Management of Conflicts
<b>Policy Governance</b>	Board of Directors
<b>Date of development</b>	August 2016
<b>Date of approval</b>	August 2016
<b>Review date</b>	2021

### 1. Purpose

This policy outlines the principles applying to the declaration and management of an actual and potential conflict of interest.

### 2. Who does it apply to?

The policy applies to all staff employed by the College, contractors, consultants and Committee Members of the College (“staff members”) as well as the Board of Directors.

### 3. Principles of the Policy

All staff and Board members are required to act in good faith towards the College.

Staff and Board members must ensure there is no conflict or perceived conflict of interest between their interests outside the College and their duties, obligations and responsibilities to the College.

A conflict of interest can be financial or personal and may involve the interests of a staff member or members of the staff member's family or friends.

#### **4. Specific conflicts of interest**

Staff and Board members should be aware that a conflict of interest includes where:

- close personal relationships interfere with or are seen to influence staffing or procurement decisions.
- a staff or Board member deals with, call tenders from, obtain prices from anyone he or she is in a close personal relationship with or any company or other entity in which the staff or Board member has a financial interest or may benefit financially; and
- a staff or Board member or anyone he or she is in a close personal relationship with, has an interest in a company or other entity providing or likely to provide goods or services to the College in circumstances where that staff or Board member is in a position to decide or to influence the decision to purchase those goods or services.

#### **5. Board Members Declaration**

At the commencement of each board member's term, he/she must sign the Declaration regarding Conflicts of Interest Form which requires them to declare that they either have no conflict of interest or alternatively requires them to declare the nature of any conflict of interest. This form must be completed again in the event that a new conflict of interest arises.

#### **6. Procedure if there is a conflict**

If a staff or Board member has an actual or potential conflict of interest he/she must disclose it to their supervisor as soon as is reasonably practicable after becoming aware of it. The supervisor is the position next above the staff or board member's position. Ultimately, the Chair of the Board holds the highest level of supervision. If the staff member's supervisor has a conflict of interest in the matter, then the staff member will disclose the conflict of interest to the next higher level of authority.

If a member of the Board or a Committee has an actual or potential conflict of interest he/she must disclose it to the Board or Committee as soon as is reasonably practicable after becoming aware of it.

If the person who has disclosed the interest is an employee, contractor or consultant of the College, the supervisor, in consultation with the person who has disclosed the conflict of interest, will determine whether a conflict of interest exists.

Where a conflict of interest has been determined to exist, the supervisor and staff member will agree in writing on a course of action to manage or avoid the conflict of interest. A copy of this agreement will be retained in the department records.

If the supervisor and staff member are unable to agree on a course of action, the matter will be referred for resolution to the next higher level of authority.

A course of action may:

- implement additional processes to ensure the impartiality of the staff member in performing his or her duties; or
- direct the staff member to withdraw from involvement in the matter that has given

rise to the conflict or otherwise re-organise the duties of the staff member to avoid the conflict of interest.

It is the responsibility of each staff member to ensure that they stand down in any decision making process where they may have an actual or potential conflict of interest.

If there is a Board or Committee decision from which a staff member stands down from, a Declaration regarding Conflicts of Interest form must be completed.

There may be occasion when a conflict becomes known after the fact of a decision or determination being made which may have been improperly influenced by that conflict of interest. In these cases, as soon as the conflict becomes evident it must be reported to the supervisor or Board or Committee. The College may decide to investigate the circumstances of the decision or determination, including whether a different decision or determination ought to be made.

## **7. Failure to disclose a potential or actual conflict of interest**

If a staff member fails to disclose a potential or actual conflict of interest, this may result in:

- a. misconduct, serious misconduct or other disciplinary proceedings against the staff member;
- b. action under the Corporations Act 2001;
- c. action by agencies such as the Ombudsman of South Australia
- d. legal action.

## **8. Review**

ACC's Conflict of Interest Policy is reviewed by the ACC Board every five years, or sooner as determined by the Board.

<b>Date</b>	<b>Description of amendment</b>

## **9. Related policies / documents**

- Conflict of Interest Nomination Form

**Presented to the Board 21<sup>st</sup> September**

**APPROVED**