

CONFLICT OF INTEREST

Policy

DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at the Australian Chiropractic College (“ACC” or “College”) may differ to that in other higher education institutions are as follows:

Conflict of Interest: A conflict of interest occurs when a person's or an entity's vested interests raise a question of whether their actions, judgment, and/or decision-making can be unbiased.

PURPOSE

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

SCOPE

The policy applies to all professional and academic staff employed by the College (including casual staff and clinical staff), contracted domestic and international marketing and recruitment agents, founders, supporters, donors and external independent members of College Committees and Boards.

POLICY

1. Avoidance and Disclosure

Staff and members of governing boards and committees must take reasonable steps to avoid any actual, potential or perceived conflicts of interest and act in the best interests of the College.

Staff and members of governing boards and committees must ensure there is no conflict or perceived conflict of interest (a) between their interests outside the College and (b) their duties, obligations and responsibilities within and/or to the College.

The nature and range of potential or actual conflicts of interest varies across staff (including casual staff and clinic staff), contracted and international marketing and recruitment agents, supporters and donors and external independent member of College Boards and Committees.

Independent members of governing boards and committees are expected to:

- undertake their responsibilities and perform their duties in the interests of achieving the College's mission and strategic objectives;
- not misuse the influence of their position to pursue sexual or financial relationships with other staff or members of governing bodies and committees;

- declare all commercial, personal or familial relationships that may constitute an actual or potential conflict of interest; and
- disclose actual or potential conflict of interest and withdraw themselves immediately from the situation giving rise to the conflict.

Staff are expected to:

- undertake their responsibilities and perform their duties in the interests of achieving the College's mission and strategic objectives;
- not misuse the influence of their position to pursue sexual or financial relationships with other staff or members of governing bodies and committees;
- not commence a sexual or financial relationship with a student whilst a member of staff. Relationships that exist prior to the member of staff and/or the student commencing at the College must be declared to the President;
- in the instance of staff and student familial relationships or existing financial or sexual relationship, refrain from managing, assessing the performance of, supervising, or directly teaching the student unless they have declared the connection and have received permission to do so;
- not accept gifts or favours which exceed \$100 in value, unless advised/declared to, and approved by the General Manager;
- declare private paid outside work, including directorships and board memberships that may present a conflict of interest;
- declare all commercial, personal or familial relationships that may constitute an actual or potential conflict of interest; and
- disclose actual or potential conflict of interest and withdraw themselves immediately from the situation giving rise to the conflict.

Where founders, supporters and donors are involved with the College in an official capacity they are expected to behave in accordance with the expectations aligned with the capacity for which they are appointed. If appointed to a governing Board or Committee founders, supporters and donors are expected to adhere to the requirements for independent members of governing boards and committees.

Founders are expected to undertake their responsibilities and perform their duties in the interests of achieving the College's mission and strategic objectives. Founders are also expected to disclose actual or potential conflict of interest and withdraw themselves immediately from the situation giving rise to the conflict.

Supporters and donors are expected to not use the contribution they have made to the College to influence the decisions of the College.

2. Types of Conflict of Interest

A conflict of interest can be financial or personal and may involve the interests of a staff member or members of governing boards and committees or members of their family or friends.

2.1 Financial or personal relationship affecting business practices

- Staff and members of governing boards and committees must understand that a conflict of interest (actual or potential) exists where:
 - Close personal relationships interfere with or are seen to influence staffing or procurement decisions.
 - A staff member or member of a governing board or committee deals with, tenders from, or obtains prices from anyone with whom they are in a close personal relationship or any company or other entity in which they have a financial interest or from which they may benefit financially and

- A staff member or member of a governing board or committee or anyone with whom they are in a close personal relationship has an interest in a company or other entity providing or likely to provide goods or services to the College in circumstances where they are in a position to decide or to influence the decision to purchase those goods or services.

2.2 Personal and Family Relationships between Staff and Students

- Staff members and contracted academic (including clinical) staff must also understand that a personal or family relationship between an academic employee and a student has the potential to compromise their responsibility where they are responsible for the supervision, teaching and/or any level of assessment of that student, or indirectly by affecting a student's interaction with the College.

Personal relationships between students and staff may involve serious difficulties arising from the unequal power of the parties concerned, as well as the difficulties in maintaining appropriate boundaries between professional and personal life.

Therefore:

- Staff should not take part in the following matters in relation to any student with whom they have a personal relationship which was established prior to both parties joining the College:
 - Selection for entry to the College or to any of its courses (where this depends on a judgement other than a pre-determined score or grade).
 - Assessment procedures.
 - Selection for any scholarship or prize.
 - Involvement in any other process, the outcome of which is likely to influence the student's status or performance record.
- Where staff declare the existence of, or the potential for, a conflict of interest, the relevant supervisor or Board/Committee Chair should approve alternative arrangements to ensure that the staff member does not participate in any of the matters listed above.
- Where it is not possible to avoid altogether the involvement of staff members with any of the matters listed above, any arrangement made, e.g. cross-marking or co-supervision of a student's work, to mitigate the risks inherent in a potential or actual conflict of interest must be formally approved by the relevant Executive Manager prior to implementation. Where the potential or actual conflict involves the relevant Executive Manager another Executive Manager will consider and approve the arrangements.
- Students who consider that they are actually or potentially involved in a conflict of interest with staff of the College should ensure that the matter is referred to the relevant Executive Manager or other senior officer for appropriate action. Any staff involved in a conflict of interest with a student should advise the student that they have a right to consult with the supervisor of that staff member.
- Where staff are unsure as to whether a conflict of interest or perceived conflict of interest has occurred or may occur, advice should be sought from their supervisor.
- If a staff member is found to be in a personal relationship and the potential conflict of interest has not been disclosed, any decision taken in relation to the student and any potentially affected students will be reviewed by the relevant supervisor or Board/Committee Chair.

Any impropriety found with regard to the relationship between a staff member and a student may lead to disciplinary action.

3. Failure to disclose a potential or actual conflict of interest

Where a supervisor or Committee or Board Chair becomes aware of a potential or actual undisclosed Conflict of Interest, the procedure for dealing with this breach of acceptable behaviour is that outlined in the College's Code of Conduct Policy.

Failure to disclose a potential or actual conflict of interest on the part of a staff members may result in:

- Misconduct, serious misconduct or other disciplinary proceedings against the staff member.
- Action under the Corporations Act 2001.
- Action by agencies such as the Ombudsman of South Australia.
- Legal action.

Where it is alleged that a Committee or Board member has failed to disclose a potential or actual conflict of interest, this will be referred to the Committee/Board Chair for investigation and decision on appropriate action. Depending on the seriousness of the alleged conflict of interest, the President may also become involved in investigation and resolution of the matter. If the allegation involves the Committee or Board Chair or the Committee or Board member is a member of staff, the President will be responsible for the investigation and decision on appropriate action.

Where the conflict of interest has been proven, the action taken will be proportionate to the seriousness of the breach of acceptable conduct. The party guilty of the alleged breach may be asked to resign or their contract may be terminated. Where resignation or termination is the approved action the Committee/Board Chair or the President, whichever has approved the action, will confirm this decision with the relevant party and manage the process to implement the approved action.

A member of staff who is alleged to, or has been proven to, have breached this Conflict of Interest Policy will have recourse to an internal appeal process via the President which may include the appointment of an independent arbiter or referral to an external appeals body.

Where the alleged party is an independent Committee or Board member, a founder, a supporter or a donor they can appeal the approved action with the Chair of the Board of directors and/or seek independent legal advice. If the allegation is against the Chair of the Board of Directors they can appeal the approved action with another Director, appointed by the President, and/or seek independent legal advice.

RELATED DOCUMENTS

- ACC Conflict of Interest Nomination Form
- ACC Code of Conduct Policy and Procedures
- ACC Conflict of Interest Procedures

VERSION CONTROL

Document: G002 Conflict of Interest Policy		
Responsible Officer: President/CEO		
Initially Approved by: Board of Directors		Date: August 2016
Reviewed and approved by: Board of Directors		Date: 19 July 2022
HESF	6.1 Corporate Governance	6.1.3b
Version: V2.0	Replaces Version(s): V1.0	Next Review: July 2025
Nature of Change	<p>November 2020:</p> <ul style="list-style-type: none"> • Minor formatting and clarificatory text edits • Inserted Definitions <p>July 2022:</p> <ul style="list-style-type: none"> • Separate the procedures from the Policy • Simplify the wording to improve clarity in the document • Forbid the development of a sexual or financial relationship between a staff member and a student, noting that pre-existing relationships are to be declared • Define the requirements in relation to gifts and favours • Correct references to the Ethics and Code of Conduct to correctly show as the Code of Conduct 	