

CONFLICT OF INTEREST Procedure

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 ACC 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 procedures to be applied for the management of an actual and/or potential conflict of interest.

PROCEDURES

1. Procedures for academic and professional (including contract or casual) staff members

- If a staff member has an actual or potential conflict of interest, they 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 member's position.

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.

- 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.

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.

A course of action may, inter alia:

- 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.
- 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.

- Where, in accordance with the Conflict of Interest Policy, a potential or proven conflict of interest involving a member of staff is referred to the supervisor, the supervisor will arrange a meeting with the member of staff.
- At the meeting, the supervisor is required to
 - Discuss the basis of the potential or proven conflict of interest
 - Seek feedback or explanation from the member of staff
 - Determine the course of action to be implemented and communicate this course of action to the member of staff, initially verbally and in writing
 - The staff member will be required to provide written acceptance to the course of action
- 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
- The Board of Directors will be the final level for consideration of the course of action and the determination of the Board will be final.

2. Procedures for Board and Committee Members

- At the commencement of each Board member's term, they must electronically sign the Declaration regarding Conflicts of Interest Form which requires them to declare that they either have no actual or potential 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.
- At each meeting of a Board (Board of Directors and Academic Board) members will be asked if they have any potential or actual conflict of interest to declare and any declarations will be minuted.
- If, during the course of a meeting or between meetings, a member of the Board or a Committee has an actual or potential conflict of interest they must disclose it to the Board or Committee as soon as is reasonably practicable after becoming aware.

The Chair of the Committee or Board will determine what action is taken.

If the Chair of the Committee or Board and member of the Committee or Board are unable to agree on a course of action, the matter will be referred for resolution to the next higher level of authority

The Board of Directors will be the final level for consideration of the course of action and the determination of the Board will be final.

- If there is a Board or Committee decision from which a Board or Committee member stands down, this will be appropriately recorded in the minutes of the relevant Board or Committee meeting.

3. Procedure for founders, supporters and donors

Where the founder, supporter and/or donor is a member of staff or a member of a governing body the requirements for the relevant category will apply.

Where a founder, supporter and/or donor identifies a potential or actual conflict of interest with the College they are required to report the conflict to the President. The President will determine the course of action and notify the individual accordingly.

4. Procedure for International business relations

Due to differences in cultural values and business practices, there is the potential for staff with responsibilities for international relations or teaching staff concerned with teaching and assessing international students to become involved in situations where a conflict of interest may arise. All such instances will be reported to the President of the College, who will, after appropriate consultation with other relevant senior management (Academic Dean and/or General Manager), be responsible for determining how any identified potential conflict of interest might be avoided and/or an actual conflict of interest might be productively managed and resolved.

VERSION CONTROL

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