

Conflict of Interest Policy Staff and Students

Context

This *Conflict of Interest Policy* has been developed in recognition of its responsibility to promote awareness of what constitutes a conflict of interest.

Scope

This policy is confined to staff and students of Group Colleges Australia (GCA) and associated entities.

GCA has an expectation that all its staff and students will act in all times in a manner consistent with the high standards of integrity in accordance with GCA values. This includes taking actions to disclose and manage any actual, potential or perceived conflicts of interests to ensure appropriate transparency and ethical behaviour.

For staff this document should be read in conjunction with the employment contract. For students it should be read with the **Student Code of Conduct**.

Principles

This Policy is founded on the principles that:

- corporate governance at GCA will be transparent and accountable; and
- all stakeholders at GCA share an obligation to safeguard the integrity of GCA's operations and functions.

Definitions

Benefit: anything that provides either a direct or indirect personal gain, or the potential for a personal gain, which may be either financial or non-financial.

Close personal relationship: includes a relationship with a spouse, including de facto partner, a relative, a person financially dependent on the staff member, a close friend, or any person with whom there is or has been an intimate or close relationship.

Conflict of interest: arises when a staff member's personal, external or financial interests, or the interests of someone with whom the staff member has a close personal relationship, are in conflict with the staff member's professional obligation to GCA. A conflict could lead to either a benefit or detriment (financial or non-financial) occurring if a matter were to be determined in particular way. A conflict may be actual, potential or perceived.

Staff member: refers to all academic and professional staff of GCA including those employed under a full time, part time, casual or contractor basis.

Student: refers to any student studying at GCA on a full time or part time basis.

What is a conflict of Interest?

A conflict of interest may be actual, potential or perceived. The test is if the staff member or student could be influenced by a private interest or conflict of commitment or a reasonable person may perceive that this could be the case.

Types of conflicts of interest

Actual conflicts of interest

Actual' conflicts of interests arise where a secondary interest has a clear and direct improper influence on a staff member's performance or behaviour.

Perceived conflicts of interest

However, conflicts of interest may still arise even if a secondary interest does not in fact influence a staff member's behaviour. For instance, secondary interests that could create a perception that a staff member has been improperly influenced in their work also constitute a conflict of interest. This may for example be the case where the relation of a staff member has an interest in a company with whom the staff member is required to negotiate a contract on GCAs behalf.

Improper use of position, information and assets

This Policy prohibits staff and students from using their position, information acquired in their position, or the assets of GCA, to obtain a benefit or advantage either for themselves or any other person.

Procedure

Declaring a conflict of interest

All staff members have a responsibility to ask themselves whether their actions or decisions could give rise to a real or perceived conflict of interest, and if so, to take action to manage that conflict. Avoiding all conflicts of interest (real or perceived) is not always feasible. However, in all cases where a conflict of interest arises, the conflict should be openly and transparently declared.

A staff member should register or declare the actual, potential, or perceived conflict of interest to the staff member's Manager. If the Manager is also subject to the conflict of interest, the staff member should register or declare the actual or perceived conflict of interest in writing to the CEO.

If a staff member is ever under any doubt regarding whether a perceived, potential, or actual conflict of interest has arisen, the appropriate course of action is for the staff member to declare the conflict of interest. This serves to protect both the staff member and GCA from any adverse consequences if an actual conflict of interest arises.

Managing and minimising conflicts of interest

Managing conflicts of interest is the shared responsibility of senior management, supervisors, human resources and staff members.

A supervisor or manager who receives a declaration regarding a conflict of interest must then determine how to respond to the conflict. Any response must be sufficient to ensure that GCA can continue to:

- perform its services in an impartial and professional manner;
- maintain the highest ethical standards; and
- deliver its services fairly, effectively, and efficiently to customers.

Measures that can be adopted to minimise a conflict include:

- recruiting third parties who do not have an interest (such as Human Resources or legal advisors) to advise on or participate in the matter;
- restricting involvement of a staff member in matters in which they have (or are perceived to have) a conflict of interest;
- removing the staff member from involvement in matters in which they have real or perceived conflicts of interest; and/or
- requiring the staff member to relinquish assets or other private interests in order to minimise the conflict.

In rare circumstances, a staff member may need to resign from their employment or end their contract for services in order to appropriately minimise the conflict.

Legislative Context

- Higher Education Standards Framework (Threshold Standards) 2021, Standards 6.1, 6.2
- Corporations Act 2001 (Cth)
- Privacy and Data Protection Act 2014 (VIC)
- Privacy Act 1988 (NSW)
- <https://www.ombo.nsw.gov.au/> the Office of NSW Ombudsman

This Policy has been developed in conjunction with the TEQSA Guidance Note on Corporate Governance.

Related Documents

- GCA Student Code of Conduct
- GCA Employment Contract
- GCA Staff Recruitment Policy and Procedure
- GCA Staff Grievance Policy
- UBSS Student Grievance Policy

Version Control and Accountable Officers

Policy Category	GCA		
Responsible Officer	HR Director		
Review Date	January 2023		
Approved By	EMT		
Previous Version/Date	V2	January 2022	
Version	Authored By	Description of Changes	Approved By
001	AK	New template ¹	EMT March 2021
002	AK	Refresh	Jan 2022

¹ Note the new template was approved by the EMT 4 March 2021

Appendix A– External Documents Consulted

Name of Document	Institution Name	Website	Date Accessed
Conflict of Interest Policy	MQU	https://policies.mq.edu.au/document/view.php?id=290	4 January 2022
Conflict of Interest Policy	James Cook University	https://www.jcu.edu.au/policy/hr-staff-development/conflict-of-interest-policy	4 January 2022
Conflict of Interest policy	CIT	https://cit.edu.au/policies/conflict_of_interest_policy	4 January 2022