

CONFLICTS OF INTEREST PROCEDURES

Contents

1. Introduction	1
2. Interpretation	2
3. High-level process – Keeping conflicts of interest on your “radar”	2
4. Restricting conflicts of interest	2
5. Awareness of conflicts of interest	2
6. Declaring conflicts of interest.....	3
7. Assessing conflicts of interest.....	4
8. Recording on the Central Register.....	5
Board and Board Committee member induction declaration	6
Annual Declarations	7
Monitoring of the Register.....	8
9. Training.....	9
10. Non-compliance	9
11. Review of the Procedures.....	9
12. Further resources and references.....	9

NOTE: The Conflict of Interest Register, and the training on how to use the Register, will be progressively rolled out to particular groups in the University from 2019 – 2020. It will be announced to University staff when the Register is rolled out to each group and when the relevant Register training is available to undertake.

This progressive roll out of using the Register does not mean University staff are exempt from the overall Conflict of Interest process. University staff must still declare and manage all conflicts of interest with their manager/managing department/meeting chair, and keep an auditable trail of discussion and decisions made (either emails or meeting minutes). There is no expectation to backdate this data into the Register once your group is rolled out, but there is a requirement to keep a record of all conflict of interest discussions for audit, and compliance purposes. Thank you.

1. Introduction

1.1. These Procedures outline how to implement the process of managing conflicts of interest at Western Sydney University (“University”).

- 1.2. These Procedures are established under the *Conflicts of Interest Policy*.
- 1.3. These Procedures are accompanied by the *Conflicts of Interest Guidelines*, which assists University Representatives (“Representatives”) in understanding the appropriate conduct and measures to take when implementing these Procedures.
- 1.4. The University Secretary and General Counsel and the Compliance Program Unit have the responsibility for providing advice and guidance in relation to the interpretation of and compliance with these Procedures.

2. Interpretation

- 2.1. Definitions from the *Conflict of Interest Policy* apply to these Procedures.

3. High-level process – Keeping conflicts of interest on your “radar”

- 3.1. All University Representatives (“Representatives”) must abide by the following process when managing conflicts of interest:
 - 3.1.1. **Restricting** conflicts of interest arising
 - 3.1.2. **Awareness** of the types of conflicts of interest that exist and/or can arise
 - 3.1.3. **Declaring** conflicts of interests
 - 3.1.4. **Assessing** conflicts of interests
 - 3.1.5. **Recording** conflicts of interests details on the Conflicts of Interest Register (“Register”)

4. Restricting conflicts of interest

- 4.1. All Representatives must restrict the acts and/or activities that lead to conflicts of interest occurring, and must consider:
 - 4.1.1. their conduct, as it relates to their official duties, functions, or responsibilities at the University; and
 - 4.1.2. their functions and responsibilities, as it relates to their conduct at the University.

5. Awareness of conflicts of interest

- 5.1.1. All Representatives must make themselves aware of the types of conflicts of interest, including whether they are actual, perceived, or potential, that

can arise generally in the performance of their official duties at the University, and in situations common to University operations.

5.1.2. As part of the awareness requirements, Representatives must:

- 5.1.2.1. read and understanding the *Conflicts of Interest Policy*, its accompanying *Procedures* and *Guidelines*, and other associated University policies and key documents as appropriate to their function and/or duties;
- 5.1.2.2. undertake the appropriate training about conflicts of interest, the University's requirements, and procedures; and
- 5.1.2.3. discuss with managers and/or supervisors, and with staff if a manager/supervisor, on any significant or sensitive project in their area that can give rise to a conflict of interest that must be managed.

6. Declaring conflicts of interest

6.1. All Representatives must declare conflicts of interest as soon as they become aware of its existence, or at the very least at the time of:

- 6.1.1. Appointment to boards or committees of the University.
- 6.1.2. Before participating on a decision-making panel or a decision-making process, including recruitment selection panels.
- 6.1.3. Before undertaking official duties that may be new or revised.

6.2. Representatives must declare conflicts of interest to a relevant managing authority, such as:

- 6.2.1. Manager / Supervisor
- 6.2.2. A Senior Manager
- 6.2.3. Chair / Convenor of a committee, panel, or group
- 6.2.4. Project manager
- 6.2.5. A managing area of your official duties i.e. Office of Governance Services.

6.3. Representatives can declare conflicts of interests to the managing authority in the following ways:

- 6.3.1. In-person meetings, including telephone.
- 6.3.2. Written and electronic correspondence, including email.
- 6.3.3. Submission on the Register.

- 6.4. All conflicts of interest declared at meetings must be notated in the meeting minutes and/or file notes.
- 6.5. All declarations made in mediums other than on the Register must be recorded on the Register as soon as practicable (recommended to be within 10 calendar days of its declaration).
- 6.6. The Representative making the declaration is required to record the details of the conflict of interest and the associated risk mitigation strategies (see *“Assessment of Conflicts of Interest”* and *“Recording on the Register”* sections below) on the Register.
- 6.7. Managing authorities must ensure Representatives have the opportunity to declare conflicts of interest by:
- 6.7.1. Enquiring at the start of any meetings.
 - 6.7.2. Enquiring before an official duty commences.
 - 6.7.3. Requesting the Representative to positively confirm they have no conflicts of interest to declare before a contract, project, or tender process commences.
- 6.8. Conflicts of interest must be a formal item on University Board and Board committee agendas to serve as a prompt for enquiry.
- 6.9. **“Multiple” Conflicts of Interest**
- 6.9.1. A declaration does not need to be made for multiple conflicts of interest if there is an overarching conflict of interest.
 - 6.9.2. For example: A Representative chairs the Appeals Committee and also sits on the Board of Trustees. When any student matter comes before the Board, the Representative will need to be recused from any decision-making for that student and any others, however only one declaration needs to be made (and recorded on the Central Register – see Section 8 below) that the conflict is for all students, and not individual students.
- 6.10. As best practice, overarching conflicts of interest should be noted in file notes and/or meeting minutes to keep an ongoing record if practical.

7. Assessing conflicts of interest

7.1. Representatives: Executives, Board members, Board Committee members, Research Ethics Committee members

7.1.1. All Representatives that are Executives, Board Members, Board Committee members, and Research Committee members can immediately announce and adopt a risk mitigation strategy to manage the declared conflict.

7.2. All other Representatives

7.2.1. All Representatives that are not categorised in cl 7.1 must assess the conflict of interest in consultation with the managing authority to develop appropriate and relevant risk mitigation strategies designed to manage the conflict and minimise its risk.

7.2.2. Representatives may propose risk mitigation strategies but the managing authority must confirm agreement with the proposal.

7.2.3. Assessments of declared conflicts of interest must be conducted as soon as practicable (recommended no later than 10 calendar days after a declaration is made).

7.3. The risk mitigation strategy must be implemented immediately or as soon as practicable in order to not compound the risk associated with the conflict of interest, and to not unreasonably delay the University's activities and/or operations to which the conflict pertains.

7.4. As best practice, all risk mitigation strategies assessed at meetings should be notated in the meeting minutes and/or file notes if practical.

8. Recording on the Central Register

8.1. A Conflicts of Interest Register has been established to record and report on declarations concerning conflicts of interest.

8.2. All declarations made in mediums other than on the Register must be recorded on the Register as soon as practicable (recommended to be within 10 calendar days of its declaration). The Representative is required to record the details of the conflict of interest and the associated risk mitigation strategies.

8.3. Each Register record must include the following details:

8.3.1. The **type** of interest causing the conflict i.e. personal relationship, commercial interest etc.

- 8.3.2. A **description** of the conflict, whether it is actual, real, or perceived, and the association with the University.
- 8.3.3. The **risk mitigation strategy** to manage the conflict.
- 8.3.4. **Manager/managing authority** details.
- 8.3.5. **Acknowledgement** of reading and understanding associated policies and processes, and the University's privacy collection notice.
- 8.4. The Register is also able to record and report on the following declarations (but is not limited to) concerning conflicts of interest:
- 8.4.1. Continuous disclosure from University Representatives at any time in the calendar year.
- 8.4.2. Initial disclosure from Board of Trustees and Board Committee members at the time of appointment / induction, which can occur at any time in the calendar year.
- 8.4.3. Annual Declarations from all University Representatives, which may include Entity members from time to time, at a designated time in a calendar year. This includes a Related Party Transaction declaration for designated Representatives (see further below).
- 8.5. All University Representatives are responsible for maintaining the Register and for ensuring the details of all declarations are recorded promptly and accurately on the Register.
- 8.6. **“Updating the Register”**
- 8.6.1. If a Representative no longer has a conflict of interest that was once declared, for example, the Representative no longer serves on a particular committee and therefore does not need to be recused from any decision-making on particular matters, a notation in the meeting minutes and/or file notes may be warranted to serve best practice. There is *no need* to update the record on the Register.

Board and Board Committee member induction declaration

- 8.7. The Office of Governance Services is the managing authority for Board and Board Committee members, and receives a copy of all induction declarations for its files.

- 8.8. At the time of appointment / induction, the following must be recorded on the Register for each Board and Board Committee member:
- 8.8.1. A completed and signed Tertiary Education Quality and Standards Agency Fit and Proper Persons Requirement form.
 - 8.8.2. All conflicts of interest and the associated risk mitigation strategies, if applicable.
 - 8.8.3. Positive confirmation of having no conflicts of interest at the time of appointment/induction, if applicable.
 - 8.8.4. Acknowledgement that they have read and understood the University's conflicts of interest requirements and key documents.
 - 8.8.5. Acknowledgment of the University's privacy collection notice.

Annual Declarations

- 8.9. All University Representatives must complete an Annual Declaration on the Register once a calendar year.
- 8.10. Annual Declarations must be completed within the set timeline specified in the notification (generally within 60-90 days of the notification being sent).
- 8.11. Representatives declare to the following information:
- 8.11.1. Not to improperly use information or resources associated with their duties, status, power, or authority;
 - 8.11.2. To take and that they have taken reasonable steps to restrict conflicts of interest;
 - 8.11.3. To declare and that they have declared all conflicts of interests that cannot be restricted;
 - 8.11.4. To promptly manage and that they have promptly managed all declared interests;
 - 8.11.5. Recognition that the University has legal obligations in regards to disclosure and management of conflicts of interests;
 - 8.11.6. All declared conflicts of interest and associated risk mitigation strategies have been recorded on the Register;
 - 8.11.7. Understanding and awareness its privacy collection notice; and
 - 8.11.8. The information within the Annual Declaration is true and correct to the best of their knowledge at the date of submission.

8.12. Representatives who are Senior Executives, Board members, Board Committee members, and Entity members have additional information to which to declare, which includes:

8.12.1. Any Related Party Transactions for the period of 1 January to 31 December of the calendar year in which the Annual Declaration is being submitted, or a positive confirmation there are none to declare;

8.12.2. Acknowledgement that the information declared on Related Party Transactions will be disclosed in the University's financial statements as part of its statutory reporting obligations.

Monitoring of the Register

8.13. The Register may be inspected for monitoring, reporting, and auditing purposes at regular and specific intervals for particular purposes, such as:

8.13.1. Non-compliance

8.13.2. Risk trending

8.13.3. Related Party Transactions

8.14. The Register made be inspected for the purposes outlined in cl 8.13 by the following:

8.14.1. any member of the Board's Audit and Risk Committee;

8.14.2. the Vice-Chancellor;

8.14.3. the University Secretary and General Counsel;

8.14.4. the Executive Director, Finance Office;

8.14.5. the Director, Audit Risk and Assessment;

8.14.6. the Manager, Compliance Program Unit; or

8.14.7. the NSW Auditor-General, or his or her authorised representative.

8.15. Individual entries on the Register are *only* seen by the manager/managing authority that is nominated on the Register by the Representative to acknowledge the declaration and its details.

8.16. All requests to inspect the Register shall be directed to and managed by the University Secretary and General Counsel.

8.17. Material interests recorded on the Register that contain personal information of a person will be collected, stored, used and disclosed in accordance with the University's *Privacy Policy* and *Privacy Management Plan*.

9. Training

9.1. The University provides training on conflicts of interests, which all University Representatives can access and undertake.

10. Non-compliance

10.1. Non-compliance with the *Conflicts of Interest Policy* and these Procedures can be reported to the Compliance Program Unit through its confidential Non-compliance Incident Reporting Register.

10.2. Suspected corrupt or fraudulent conduct and/or activities can be reported to the Office of Audit and Risk Assessment for internal investigation.

11. Review of the Procedures

11.1. These Procedures will generally be reviewed every three years, but more frequently if necessary to incorporate changes to laws or University policy.

12. Further resources and references

12.1. Further information and resources can be obtained from:

12.1.1. Independent Commission Against Corruption

12.1.2. NSW Audit Office

12.1.3. Office of University Secretary and General Counsel

12.1.4. Office of Audit and Risk Assessment

12.1.5. Compliance Program Unit

12.1.6. Finance Office

12.1.7. Office of Governance Services

12.1.8. Privacy Office

12.2. For further information/clarification, please contact the University Secretary and General Counsel.