EXTERNAL INTERESTS POLICY 2010

The Vice-Chancellor and Principal, as delegate of the Senate of the University of Sydney, adopts the following policy.

Dated: 15/10/2010

Last amended: 26 October 2012

Name: Dr Michael Spence

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1 Name of policy

This policy is the *External Interests Policy 2010.*

2 Commencement

This policy commences on 1 January 2011.

3 Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the University, staff and affiliates.

4 Statement of intent

This policy:

(a) outlines the general standards of conduct expected of University staff and affiliates in relation to external interests; and

(b) provides for the avoidance and appropriate management of actual, apparent or perceived conflicts of interests.

5 Application

(1) This policy applies to all staff and affiliates.

(2) If there is any inconsistency between this policy and the Commercial Activities Guidelines, the Commercial Activities Guidelines will prevail.

Note: *Guidelines Concerning Commercial Activities* have been determined by Senate.

6 Definitions

affiliate	means a clinical title holder; an adjunct, conjoint or honorary appointee; a consultant or contractor to the University; an office holder in a University entity; a member of any University committee; and any other person appointed or engaged by the University to perform duties or functions on its behalf.
conflict of interests rule	means the rule set out in Clause 8 of this policy.
conflicts register	means the register established by Clause 9 of this policy.
executive supervisor	means the relevant Dean, Director or other chief officer of an administrative unit, Deputy Vice Chancellor or Vice Chancellor, as the case may be.
external entity	means any person or organisation which is not legally the University.
financial interest	means any interest that could result, directly or indirectly, in receiving a monetary gain or sustaining a monetary loss.
external interest	includes: • holding a remunerated or honorary position in, or having a financial interest in, an external entity; or • having a consulting arrangement with an external entity.

personal interest	means a personal relationship (including spouse, de facto partner, sexual partner, immediate family, close friend, financial dependent or business partner) which a reasonable person might perceive as liable to influence decision making.
staff	means employees of the University, including casual employees.
University committee	means any committee or governing body of any entity established by or with the authority of the Senate.
University entity	means any entity established by or with the authority of the Senate.

7 External interests generally

(1) The University acknowledges that its staff and affiliates engage in a wide variety of external activities, and considers that these are in the public interest and of benefit to the University and to the individuals involved.

(2) The University also acknowledges that external interests may give rise to conflicts of interests, whether actual, potential or perceived. This does not, of itself, imply that any wrongdoing has occurred or will occur.

8 The conflict of interests rule

(1) Staff and affiliates owe obligations of good faith, confidentiality and loyalty of service to the University.

(2) Subject to the provisions of this policy, staff and affiliates must not:

  (a) allow their external, personal or financial interests to come into actual, potential or perceived conflict with their duties to the University; or

  (b) allow their duties to any external entity to come into actual, potential or perceived conflict with their duties to the University.

(3) The conflict of interests rule applies to potential or perceived conflicts of interests where:

  (a) there is a real or substantial possibility of the potential or perceived conflict of interests actually arising; and

  (b) the external, personal or financial interest in question is material.

(4) An interest will only be material if:

  (a) it is real and substantial, not theoretical, remote, contingent or otherwise insubstantial; and

  (b) it has, or appears to have, the capacity to influence the conduct of a particular individual (whether or not it has actually done so).

(5) A material interest will arise in circumstances in which detriment or benefit accrues to a staff member or affiliate.

9 The conflicts register

(1) The General Counsel will establish and maintain a register of conflicts of interests declared to the University.

(2) The register will contain:

(a) copies of declarations of external interests which disclose conflicts of interests; and

(b) copies of conflict management plans.

10 Annual declaration of external interests to the University

(1) Subject to Clause 12:

(a) all academic staff members or affiliates; and

(b) any general staff members or affiliates who are, or may be, involved in decision making on the University's behalf (whether or not as decision maker)

are required to provide to the relevant executive supervisor an annual declaration of external interests, irrespective of whether or not the interests declared attract the operation of the conflict of interests rule.

(2) The Director, Human Resources may prescribe a form for declarations provided under this clause.

11 Ad hoc declaration of external interests to the University

(1) Staff members and affiliates who acquire or become aware of an external interest at a time after their most recent annual declaration and before the next annual declaration is due, must provide a further ad hoc declaration of that interest as soon as possible after becoming aware of it.

(2) The ad hoc declaration must be made in writing, to the relevant executive supervisor.

(3) The Director, Human Resources may prescribe a form for ad hoc declarations of external interests.

12 Affiliates may provide statutory declarations

(1) With the consent of the relevant executive supervisor, an affiliate may provide an annual statutory declaration in lieu of an annual declaration of external interests.

(2) Any statutory declaration provided for the purposes of this clause must state that the person making the declaration:

(a) has read this policy; and

(b) has no external interests which give rise to any conflict of interests, whether actual, potential or perceived.

(3) The Director, Human Resources may prescribe a form for statutory declarations provided under this clause.

(4) Affiliates who acquire or become aware of an external interest at a time after their most recent statutory declaration and before the next annual declaration is due, must consider if that external interest is consistent with the statutory declaration they have provided. If it is not, they must provide an ad hoc declaration of external interests to the relevant executive supervisor as soon as possible.

13 Evaluating conflicts of interests

(1) The executive supervisor will review each declaration and determine:

(a) whether any disclosed interest gives rise to a conflict of interests, whether actual, potential or perceived;

(b) whether that interest is material; and

(c) whether any conflict of interests can be avoided or managed.

(2) In making the determination required by this clause, the executive supervisor may seek relevant assistance, including from the person who made the declaration.

(3) If the executive supervisor determines that the conflict of interests rule applies, the executive supervisor will:

(a) inform the staff member or affiliate of that determination as soon as possible; and

(b) provide a copy of the declaration to the General Counsel for inclusion in the conflicts register.

14 Managing conflicts of interests

(1) If a conflict of interests has been identified, the executive manager must prepare a conflict management plan in consultation with the affected staff member or affiliate.

(2) If the executive supervisor determines that the conflict of interests cannot be managed, it must be avoided. To that end the University may prevent the staff member or affiliate from carrying out any activity it considers necessary for this purpose.

(3) If the conflict of interests is to be avoided, the conflict management plan must specify how this is to be achieved.

(4) If the executive supervisor determines that it is possible to manage a conflict of interests, the conflict management plan must specify how this is to be done, including:

(a) the persons to whom the relevant interest will be made known;

(b) any activities, including discussions, negotiations and decisions, in which the person making the declaration may not participate; and

(c) any positions which the person making the declaration may not occupy (whether temporarily or permanently).

(5) The conflict management plan must be signed by the executive supervisor and the affected staff member or affiliate.

(6) The executive supervisor will provide a copy of the signed conflict management plan to the General Counsel for inclusion in the conflicts register.

(7) The Director, Human Resources may prescribe a form for conflict management plans.

(8) It is the responsibility of the affected staff member or affiliate to comply with the conflict management plan.

15 Public declaration of external interests

Staff members or affiliates whose external, personal or financial interests actually, or potentially, impact or might be perceived to impact upon the objectivity of any academic presentation or publication in which the staff member or affiliate is involved must ensure that the presentation or publication is accompanied by a public declaration of the relevant interest.

16 Failure to declare

(1) Failure fully to disclose information about a conflict of interests may constitute misconduct and result in disciplinary action being taken by the University.

(2) Failure fully to disclose and appropriately manage a conflict of interests may be regarded as corrupt conduct under the *Independent Commission Against Corruption (ICAC) Act 1988.*

17 Privacy

(1) The University's Privacy Policy applies to any personal information collected under this policy.

(2) Persons with grounds to inspect the conflicts register will be permitted access to the register at the discretion of the General Counsel.

NOTES

Date adopted:

Date registered:

Date commenced: 1 January 2011

Administrator: *Director, Human Resources*

Review date: 1 January 2016

Related documents:

Privacy and Personal Information Protection Act 1998 (NSW)

Independent Commission Against Corruption (ICAC) Act 1998 (NSW)

Guidelines Concerning Commercial Activities

Privacy Policy

Reporting Wrongdoing Policy

Risk Management Policy

Code of Conduct: Staff and Affiliates

Code of Conduct for Responsible Research Practice and Guidelines for Dealing with Allegations of Research Misconduct

University of Sydney policies can be accessed on the Policy Register: http://sydney.edu.au/policies/

AMENDMENT HISTORY

Provision	Amendment	Commencing
cl 6	Amendment to the definition of "personal interest" to encompass friendships and other non-familiar and non-business relationships.	26 October 2012