

Conflict of Interest Procedure

1. Purpose and Scope

- 1.1 The Conflict of Interest Procedure sets out the steps to be taken for identifying, documenting, managing and monitoring conflicts of interest. It should be read in conjunction with the Conflict of Interest Policy.
- 1.2 This procedure applies to:
 - 1.2.1 all non-academic and academic staff of AIAT whether full-time or fractional, continuing, fixed-term, or casual (known as staff in this document); and
 - 1.2.2 members of the Board of Directors, Academic Board and respective committees (known as Board Members in this document).

2. Definition

Refer to *Glossary of Terms*.

3. Procedure

- 3.1 Identification of a Conflict of Interest
 - 3.1.1 Staff and Board Members must ensure that any conflicts between their personal or private interests and their AIAT duties are promptly identified and managed. A conflict may arise if an individual could be influenced, or appear to be influenced, by a private interest or conflict of commitment when carrying out their duties and responsibilities as a staff member of AIAT.
 - 3.1.2 Situations that may generate a conflict of interest can arise out of, but are not limited to:
 - a. personal relationships with students;
 - b. personal relationships with other employees;
 - c. personal or commercial relationships with persons with whom AIAT is dealing, for example, licensees, contractors, subcontractors or tenderers;
 - d. personal financial interests in matters which involve AIAT;
 - e. gifts or offers of gifts of significant value other than official gifts and ex gratia payments;
 - f. outside employment that may compromise the integrity of AIAT;
 - g. remunerated or honorary positions in other educational institutions;
 - h. use of confidential information obtained in the course of AIAT duties;
 - i. external appointments (e.g. company directorships, secretaryships, partnerships);
 - j. public comment associated with external activities;
 - k. simultaneously being an employee and a student where one role may conflict with another.
- 3.2 Disclosing a conflict of interest

- 3.2.1 All staff or Board Members must disclose conflicts of interest as soon as they become aware of its existence, or at the very least at the time of:
 - a. appointment to AIAT boards or committees;
 - b. before participating on a decision-making panel or a decision-making process, including recruitment selection panels; and/or
 - c. before undertaking official duties that may be new or revised.
- 3.2.2 Staff or Board Members must disclose conflicts of interest to a relevant managing authority, such as:
 - a. Manager;
 - b. An Executive Management Group member; or
 - c. Chair/Convenor of a committee, panel or group.
- 3.2.3 Staff or Board Members can disclose conflicts of interests to the managing authority in the following ways:
 - a. In-person meetings, including telephone or video conferencing;
 - b. Written and electronic correspondence, including email; or
 - c. Submission of Disclosure and Management of Conflict of Interest Form (DMCIF) to managing authority.
- 3.2.4 All conflicts of interest disclosed at meetings must be notated in the meeting minutes.
- 3.2.5 Managing authorities must ensure staff or Board Members have the opportunity to disclose conflicts of interest by:
 - a. Enquiring at the start of any meetings.
 - b. Enquiring before an official duty commences.
 - c. Requesting the staff or Board Member to positively confirm they have no conflicts of interest to declare before a contract, project, or tender process commences.
- 3.2.6 Conflicts of interest must a formal item on the Board of Directors and Board committee agendas to serve as a prompt for enquiry.
- 3.2.7 As best practice, overarching conflicts of interest should be noted in meeting minutes to keep an ongoing record if practical.

3.3 Assessing and Managing a Conflict of Interest

3.3.1 Following the disclosure of a conflict of interest, the managing authority will, in consultation with the staff or Board Member, enquire into the situation disclosed and advise the staff or Board Member of what action, if any, is to be taken.

3.3.2 Potential actions include:

Register	Staff or Board Members are required to register their pecuniary and non-pecuniary interests that may in the future conflict with some aspect of their work. This requirement is usually confined to people in senior positions, in roles at higher risk of encountering conflicts (including procurement or Human Resources).
Restrict	It may be appropriate that the staff or Board Member's involvement in the matter be restricted. For example, the staff or Board Member may need to refrain from taking part in debate or decision-making about a specific issue.

	<p>It may also be necessary to restrict access to information relating to an issue which is the subject of the conflict of interest.</p> <p>This is often the most appropriate management strategy when staff or Board Members can be effectively separated from parts of the activity or process and the conflict of interest is not likely to arise frequently.</p>
Recruit	<p>A person without interest (an independent third party) is used to participate in, re-do, oversee or review and report on the integrity of a decision-making process or transaction.</p> <p>Increasing the number of people sitting on decision-making committees to balance the influence of a single member who may have a conflict of interest but who has some special reason to remain on the committee may also be a strategy.</p>
Remove	<p>Removing the staff or Board Member from involvement in the matter altogether may be the best or only option in some circumstances.</p> <p>Removal includes abstaining from any formal or informal discussion about the matter and being removed from the situation where the staff or Board Member may still exert, or be perceived to exert, a covert influence on decisions or actions taken in the matter.</p>
Relinquish	<p>A staff or Board Member may be required to relinquish their personal or private interests, or another role or appointment they have, to ensure there is no conflict of interest. This could include, for example, requiring that shares are disposed of in a company, or requiring that the staff or Board Member resign from a Board or from membership of a club or association.</p>
Resign	<p>Resignation from AIAT (or terminating a relationship with AIAT) may need to be considered if the conflict of interest cannot be managed or cannot be managed according to the agreed management plan.</p>

3.3.3 The managing authority will ensure the Disclosure and Management of Conflict of Interest Form (DMCIF) and the Conflict of Interest Register are updated to reflect the management plan.

3.3.4 Nothing in this procedure shall preclude either the staff or Board Member who has disclosed the conflict of interest, or the managing authority to whom the disclosure was made, from seeking advice from an Executive Management Group member on any matters relating to this procedure.

3.4 Documenting a Conflict of Interest

3.4.1 Staff and Board Member onboarding processes must provide incoming staff the opportunity to disclose and document actual, perceived or potential conflicts of interest at the earliest opportunity.

3.4.2 All disclosures made must be recorded on the Conflict of Interest Register as soon as practicable (recommended to be within 10 calendar days of its disclosure) by the managing authority.

3.4.3 Staff and Board Members must complete a DMCIF documenting the conflict type and nature as soon as practicable after an actual, perceived or potential conflict of

interest is identified and submit it to the relevant managing authority for review and action.

- 3.4.4 Where line management changes occur, staff are required to disclose to their new manager any existing DMCIF as soon as practicable and may be directed to re-submit a DMCIF to their new manager.
- 3.4.5 Managing authorities may instruct staff involved in specified activities to complete a DMCIF where they identify there is an actual, potential or perceived conflict of interest, at their discretion.
- 3.4.6 Managing authorities must ensure all declared conflicts of interest are treated with sensitivity and in accordance with the Privacy Policy.
- 3.4.7 Managing authorities will ensure the Conflict of Interest Register is updated with relevant information on a timely basis.

3.5 Monitoring and Review

- 3.5.1 Staff and Board Members must review any DMCIF made every 12 months and disclose to the managing authority any changes to the activity or interest including whether the conflict no longer exists.
- 3.5.2 Consideration will be given by the managing authority and if required the Risk, Quality, and Audit Committee as to whether the conflict of interest can still be managed and, if so, whether the management plan needs to be amended.
- 3.5.3 If there is any material change in circumstances which affects the DMCIF before annual reporting is due, a staff or Board Member should notify the managing authority as soon as they become aware of the change. This is particularly important in circumstances where the change means it is no longer possible to take the steps necessary to comply with a management plan.
- 3.5.4 Any amendments that arise are to be recorded on the DMCIF and recorded on the Conflict of Interest Register by the managing authority.
- 3.5.5 The Conflict of Interest Register may be inspected for monitoring, reporting, and auditing purposes at regular and specific intervals for particular purposes, such as non-compliance, risk trending and related party transactions.
- 3.5.6 All requests to inspect the Conflict of Interest Register shall be directed to and managed by the Risk, Quality and Audit Committee.
- 3.5.7 The Conflict of Interest Register may be inspected for the purposes outlined in 3.5.5 by the following;
 - a. Any member of the Risk, Quality and Audit Committee;
 - b. CEO
 - c. Director, Quality Assurance and Risk Management.
- 3.5.8 The Risk, Quality and Audit Committee will review annual reports on compliance with the requirements of this policy and procedure.

4. Roles and responsibilities

- 4.1 Staff and Board Members are responsible for
 - 4.1.1 disclosing conflicts of interest as soon as they become aware of its existence;

- 4.1.2 engaging in discussion with the managing authority regarding the disclosure and actions to be taken;
 - 4.1.3 undertaking actions to avoid conflict of interest as agreed;
 - 4.1.4 reviewing disclosures every 12 months and making adjustments in consultation with the managing authority; and
 - 4.1.5 notifying the managing authority as soon as they become aware of a change related to the previous disclosures.
- 4.2 A managing authority is responsible for
- 4.2.1 ensuring staff or Board Members have the opportunity to disclose conflicts of interest;
 - 4.2.2 enquire into the conflict of interest disclosed and advise what action is to be taken;
 - 4.2.3 ensuring documentation associated with conflict of interest is accurately recorded in a timely manner; and
 - 4.2.4 ensure all declared conflicts of interest are treated with sensitivity and in accordance with the Privacy Policy.
- 4.3 The Risk, Quality and Audit Committee is responsible for
- 4.3.1 Authorising access to the Conflict of Interest Register; and
 - 4.3.2 Annually reviewing compliance reports regarding this policy and procedure.

5. Procedure Details

Institution	Australian Institute of Advanced Technologies (AIAT)
Procedure name	Conflict of Interest Procedure
Procedure Reference No.	PROC – 05
Procedure Approval	Board of Directors
Procedure Authority	Executive Management Group
Responsible Officer	CEO
Governance Reference Threshold Standards	HESF 6.1.3.b, 6.3.2.b
Related Documents	Academic Inquiry and Academic Freedom of Speech Policy Conflict of Interest Policy Discrimination, Bullying and Harassment Prevention Policy Health and Safety Policy Intellectual Property Policy Privacy Policy Staff Code of Conduct Staff Performance Policy
Related Legislation	Higher Education Standards Framework (Threshold Standards) 2021 (HESF)

References	AIAT has referred and benchmarked with the following institutions and policies during the creation of this policy: James Cook University (2020) Conflict of Interest Procedure University of New South Wales (2021) Conflict of Interest Disclosure and Management Procedure University of Tasmania (2021) Conflicts of Interest Procedure Western Sydney University (2021) Conflicts of Interest Procedures
Date of approval	31 March 2022
Review date	December 2024
Policy Category	Governance

6. Document Version Control

Document No	PROC - 05	Last Modify Date	Summary of Changes
Version No	1.0	NA	Initial version approved by Board of Directors
	1.01	31/3/2022	Removed policies that don't exist
Created Date	Dec 2021		