

Conflict of Interest Policy



Purpose/objectives

This Policy establishes AAHE's requirements for identifying, disclosing, managing and monitoring conflicts of interest. It seeks to minimise risk to AAHE while protecting the legitimate rights of individuals associated with the organisation.

Scope

This *Conflict of Interest Policy* applies to all AAHE staff, including academic and administrative staff, Board of Directors, Academic Board, and all external members of AAHE committees and subcommittees. In the case of individuals engaged as independent contractors, contract provisions relating to conflict of interest must be observed. In cases where additional requirements relating to conflicts of interest apply, for example requirements of some external funding bodies or specific professions, AAHE staff members must comply with those requirements as well.

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.
Personal relationship	Any relationship with an individual or group of people that extends outside of AAHE, or beyond the individual's duties at AAHE. The definition of personal relationship also includes any relationship where a reasonable person might perceive that there could be some bias, either positive or negative, resulting from that relationship. This includes relationships with: (a) immediate family members, such as a spouse or partner, parents, children, step-children, etc; (b) close relatives, such as aunts, uncles, cousins, nephews, nieces etc; (c) sexual partners; (d) competitors or persons with whom one has a history of serious conflict or enmity, and the relatives of any of those listed above.
Private interest	Any financial or non-financial interest that involves potential gain or loss for the individual him- or herself or for any other person or organisation whom an individual may wish to benefit (e.g. family, friends, and associates) or disadvantage (e.g. competitors or enemies).
Actual conflict of interest	A direct conflict between an individual's responsibilities to AAHE and a competing interest or obligation, whether personal or involving a third party.
Potential conflict of interest	An interest or obligation, whether personal or involving a third party, that could potentially conflict with the individual's duties or responsibilities to AAHE.
Perceived conflict of interest	Where it could reasonably be perceived, or give the appearance, that a competing interest could improperly influence the work-related decisions or activities of the individual.

Policy

- 1 AAHE's *Staff Code of Conduct* enjoins staff to act with honesty and integrity at all times. This principle includes disclosing and managing any actual, potential or perceived conflicts of interest in the performance of their duties. This *Conflict of Interest Policy* recognises that conflicts of interest may arise between private interests and AAHE responsibilities in a range of activities, including student assessment, staffing, administration and commercial activity. It is essential that such conflicts are recognised, disclosed and managed appropriately when they do arise.
- 2 Conflicts of interest may be perceived, actual or potential, and exist where the interests of one person and another are either aligned *or* conflicting. The *Conflict of Interest Policy* and its associated procedure applies to all conflicts of interest, regardless of their nature. AAHE requires that all unnecessary conflicts of interest be avoided, where reasonably possible. Disclosure of conflicts of interest, actual, potential, or perceived, is paramount to AAHE's management of risk.
- 3 In accordance with Sections 180-183 of the Corporations Act 2001, all AAHE staff and the members of AAHE Boards, committees and subcommittees, must:
 - exercise their powers and discharge their duties with care and diligence, and in good faith in AAHE's best interests
 - not improperly use their position to gain an advantage for themselves or someone else, or to cause detriment to AAHE
 - not use information they obtained through their position at, or relationship with, AAHE to gain an advantage for themselves or someone else or to cause detriment to AAHE.
- 4 The following elements should be considered when determining whether or not a conflict of interest exists:
 - (a) personal interest
 - (b) duty to AAHE
 - (c) the connection between a personal interest and an AAHE duty, and
 - (d) a reasonable person's perception that a personal interest may be involved.
- 5 Under this *Conflict of Interest Policy*, AAHE will:
 - (a) develop, maintain and implement a procedure to enable the identification, disclosure, management and monitoring of conflicts of interest
 - (b) require that all persons undertaking AAHE business avoid unnecessary conflicts of interest
 - (c) require that all persons undertaking AAHE business take active steps to minimise the risk of influence from external entities and individuals
 - (d) require the disclosure of personal interests and conflicts of interest in accordance with this policy and its associated procedure, and in consideration of the *AAHE Code of Conduct*
 - (e) manage and monitor conflicts of interests
 - (f) ensure that disclosure processes allow for the protection of privacy and are fully compliant with the *'Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019'*¹
 - (g) evaluate and assess the effectiveness of our *Conflict of Interest Policy* and associated procedures
 - (h) deal with breaches of this Policy in a proactive manner, and

¹ <https://www.legislation.gov.au/Details/C2019A00010>

- (i) establish and maintain controls across the organisation to assist in the management of conflicts of interest.
- 6 For the purposes of this policy, actions taken to avoid unnecessary conflicts of interest may include, but are not limited to:
- (a) disclosing relationships that could be perceived to give rise to a conflict of interest or potential for external interference
 - (b) removal from any activity under the auspice of AAHE where the activity involves working with another person with whom a personal interest exists
 - (c) declining, and not soliciting gifts or benefits either for oneself or another person
 - (d) declining shareholding in or directorships of companies who deal with AAHE
 - (e) declining affiliations or membership of organisations or associations who may be in competition or conflict with AAHE
 - (f) not taking part in any matter in relation to any student to whom one has, or have had, a close personal relationship or intimate personal relationship
 - (g) not taking part in any activity or collaboration with an external entity or individual that gives rise to, or may be seen to give rise to, interference by that entity or individual.

Related documents and relevant legislation

[Corporations Act 2001](#)

Staff Code of Conduct

Prevention of Fraud Policy and Procedure

Critical Incident Policy and Procedure

[TEQSA Guide to determining the fitness and propriety of a person](#)

Document information

Document owner: Board of Directors

Version	Approved by	Approved on	Implementation date	Changes made
1	Board of Directors	14/10/21	14/10/23	

Conflict of Interest Procedure

1 Declaring a Conflict of Interest

- 1.1 Persons covered by this Policy are required to identify, declare and manage conflict of interest as a condition of ongoing association with AAHE.
- 1.2 Declarations of conflict of interest should be made by individuals in writing to the Chief Operating Officer or the Quality Assurance Manager using the *Conflict of Interest Disclosure Form* below.
- 1.3 Where the Chief Operating Officer or Quality Assurance Manager becomes aware of a conflict of interest or perceived conflict of interest that has not been declared, they should discuss the matter with the individual or report to the Chief Executive Officer as a matter of urgency and, if appropriate, put in place a risk management strategy.

2 Identifying a Conflict of Interest

- 2.1 Conflicts of interest are often obvious but where there is uncertainty about whether or not a conflict exists, parties should consider whether the action or activity satisfies any of the definitions in the above table and consult with the Chief Operating Officer or Quality Assurance Manager to clarify the situation. Regardless of how minor a conflict of interest may seem, it is important to make the necessary disclosure in line with this Policy.

3 Examples of Conflicts of Interest

- 3.1 The following examples are illustrative rather than exhaustive and are provided to assist individuals to recognise conflicts that sometimes arise and require that appropriate action is taken to manage the issue:
 - a) holding shares in an external competitor business
 - b) holding a directorship or management role with a competitor business
 - c) approaching or attempting to induce or coerce employees of AAHE for the purpose of working in a competitor business
 - d) using paid employment time at AAHE or AAHE resources to conduct affairs for other businesses
 - e) using AAHE's intellectual property to assist a competitor business or for purposes relating to private interests
 - f) using AAHE's internal and confidential information to assist a competitor business or for private interests
 - g) using AAHE's networks (for example, AAHE's recruitment agents and/or public relations) to assist a competitor business or for private interests
 - h) using one's position at AAHE as leverage to approach external investors into a competitor business or for purposes that relate to private interests
 - i) participating in contractual arrangements where one has a private interest in or a personal relationship with a firm or company or someone involved with a firm or company
 - j) having or carrying on an intimate relationship with a member of staff or student
 - k) assessing the performance of an AAHE student who is a relative
 - l) sitting on a promotions panel where one of the applicants is a relative
 - m) trading in an external entity which is presented to hold links to AAHE
 - n) advocating or lobbying for the goods or services of a firm where one has a private interest or personal relationship

- o) assessing, recommending or approving of AAHE entering into a commercial agreement with a company in which the individual has a private interest or with whom a personal relationship exists
- p) making false representations purporting to deliver services on behalf of AAHE.

4 Managing a Conflict of Interest

4.1 Conflicts of Interest can often be managed without detriment to the integrity of AAHE or the individuals involved. Problems arise when a conflict is known to be present but not openly acknowledged or managed appropriately.

4.2 Where it is not possible to avoid a conflict of interest, a risk management strategy should be adopted. Depending on the circumstances, a range of risk management strategies can be implemented, including:

- (a) reporting to the Chief Operating Officer or Quality Assurance Manager on a confidential basis to investigate the matter and discuss it with the individual concerned
- (b) requiring the individual promptly to relinquish or quarantine the personal interest
- (c) removing the individual from the decision-making process or from exercising management duties in regard to the matter(s) to which the conflict of interest relates, or
- (d) the individual removing themselves from or not taking part in debate and/or discussion of matters relating to the conflict of interest.

4.3 Where a member of the Board of Directors or the Academic Board has a conflict of interest with an agenda item, the member is required to declare the conflict prior to or at the beginning of the meeting. The Chair will determine if the conflicting issue will influence the outcome, in which case the member with the conflict will abstain from voting on a resolution and the Chair may ask that they leave the meeting for the discussion of that item.

Document information

Document owner: Principal and Chief Executive Officer

Version	Approved by	Approved on	Implementation date	Changes made
1	Board of Directors	14/10/21	14/10/23	

Conflict of Interest Disclosure Form

Your Name: _____

Position Title: _____

Your Supervisor: _____

Nature of Conflict of Interest: _____

Measures to Manage the Conflict: _____

(Please append any additional or supporting documentation)