

## Conflict of Interest Policy

Policy Category	Policy/guideline/procedure/rules		
Review	3 years from date of Approval		
Policy Code	GP001		
Contacts	policy@top.edu.au		
Version	Approval Authority	Approval Date	Commencement Date
2017.02	Principal	17 February 2017	17 February 2017

### 1. Purpose and Context

This document aims to outline conflict of interest issues that may arise during employment with Top Education Institute (the “**Institute**”) with a view to generating increased awareness and understanding of such conflicts, and to provide protection for both the organisation and the individuals concerned. This Policy also provides the Institute’s standard procedures for identifying, declaring and managing conflicts of interest that may arise.

This document applies to **all staff members** (“**Staff**”) of the Institute, and should be read in conjunction with the *Code of Conduct for Staff Policy* which establishes the Institute’s broad ethical framework and values, and other applicable policies, procedures and guidelines. This document is also a vital detailed supplementary to the Code.

### 2. Definitions

For the purpose of this policy:

**Conflict of Interest** means a conflict between duties or responsibilities associated with or imposed by the Institute, and private interests or personal relationships, where the private interests or personal relationships could improperly influence the way in which a person carries out their official duties as required by their role at the Institute.

**External Entity** means any person or organisation which is not the Institute.

**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.

**Financial Interest** means any interest that could result directly or indirectly in receiving a monetary gain or sustaining a monetary loss.

**Like Business** means any business which a reasonable person would perceive that is of the same or similar form, appearance, operation, or nature and bears resemblance to the Institute,

such as an Australian private higher education provider providing similar programs as the Institute.

**Perceived Conflict of Interest** means where a reasonable person might perceive that such improper influence or conflict in duties or conflict in external interests, as described in section 5, could exist.

**Personal Relationships** means any relationship with an individual or group of people that extend outside of the Institute, or beyond your duties that relate to your employment with the Institute. A Personal Relationship might also include a relationship where a reasonable person might perceive that there could be some bias, either positive or negative, resulting from that relationship. These include relationships with:

- i. immediate family members, such as a spouse or partner, parents, children, step-children, etc;
- ii. close relatives, such as aunts, uncles, cousins, nephews, nieces etc;
- iii. sexual partners;
- iv. rivals, e.g. competitors or persons with whom one has a history of serious conflict or enmity; and
- v. the relatives of any of the above listed in (i) to (iv).

**Private interest** refers to any financial interests that involve potential gain or loss for an individual or for any other person or organisation that an individual may wish to benefit (e.g. family, friends, and associates) or disadvantage (e.g. competitors, rivals). Such examples include but are not limited to:

- i. Employment, including self-employment
- ii. Contractual, business interests, including relevant directorships and shareholdings.

### 3. Policy Statement

- The Institute promotes, through the *Code of Conduct for Staff* and other policies, an environment that is values-based, founded on the principles of honesty, responsibility, fairness and accountability, to maintain the integrity of its decision making processes.
- Conflicts of interest may adversely affect or may have the appearance of adversely affecting sound and professional judgment. Conflicts of interest or perceived conflicts of interest must be declared and managed to ensure integrity and transparency.
- All Staff who are charged with carrying out activities and functions as part of their employment with the Institute have a responsibility to declare and manage Conflicts of Interest as they arise. When declared, the conflict of interest should be avoided if possible. Where avoidance is not possible, action must be undertaken to ensure that the conflict (or perceived conflict) is managed in a transparent and appropriate manner so as not to adversely affect the Institute.

- The appearance of unethical behaviour can be just as damaging as actual unethical activity. Perceived Conflicts of Interest can have a negative impact on staff morale and can undermine the ethical framework set by the ***Code of Conduct for Staff***. The senior management staff have a leading role in setting the benchmark for ethical behaviour and to ensure a culture of ethical conduct in all activities.
- Individuals who are considered to have breached the Institute's requirements regarding the management of Conflicts of Interest, as set out in this Policy, the ***Code of Conduct for Staff***, or other procedures, may be subject to disciplinary action.

#### 4. Procedure

- This Policy is applicable to all full time staff members of the Institute. Staff will be required to identify, declare and manage conflict of interest as a condition of ongoing employment. If any staff members feel unsure or uncertain on identifying potential conflicts of interest, or do not wish to fill in the form (see below) they are to contact the Institute's Compliance Manager in the first instance. All information will be treated in a confidential manner.
- Declarations of Conflict of Interest should be made by individuals in writing (using the declaration of private interests form below) to the Assistant Principal (Internal Operations) or the Compliance Manager.
- Where the Assistant Principal (Internal Operations) or the Compliance 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 Principal, as a matter of urgency and if appropriate put in place a risk management strategy.
- Where circumstances affecting a declared conflict of interest change, any declarations should be amended accordingly, and the risk management strategy revised, as appropriate.
- Where a conflict of interest relates to an ongoing matter, the strategy chosen for its management must be reviewed at regular intervals to ensure it remains appropriate.

#### 5. Guidelines

##### Part A - Identifying a Conflict of Interest

- Conflicts of interest are often obvious but where there is uncertainty on whether a conflict of interest exists, parties should:
  - consider whether the action or activity is consistent with the Institute's values as outlined in the ***Code of Conduct for Staff***
  - consider whether the action or activity is consistent with the individual's

#### Employment Agreement with the Institute

- iii. consider whether the action or activity is damaging to the Institute's financial interests or reputation
  - iv. seek guidance and advice from supervisors or senior managers (whilst maintaining confidentiality at all times);
  - v. seek independent external advice;
  - vi. consider whether the action or activity is consistent with community values, standards and behaviours;
  - vii. consider how the action or activity might look to other people who care about the decision or outcome, or to other people who come to know about it; and
  - viii. consider whether the relationship or interest might compromise an individual's ability to exercise sound judgment.
- b) At times, a conflict of interest may not be recognised because it is a relatively minor matter. A minor matter that occurs frequently, however, may become substantial. Regardless of how minor a Conflict of Interest may seem, it is important to maintain an ethical approach in all circumstances and make the necessary disclosure in line with this Policy.
- c) The timing and nature of declaring a Conflict of Interest will largely depend on the circumstances at the time. For example if you are involved in the development of the specifications for a tender in which an individual with whom you have a Personal Relationship or a company in which you have a Personal Interest could submit a tender, your declaration of a Conflict of Interest should be early in the process.

### **Part B - Managing a Conflict of Interest**

Conflicts of Interest can often be properly managed without detriment to the integrity of the Institute or detriment to those involved. Problems may arise when a Conflict of Interest is known to be present, but not openly acknowledged or managed appropriately.

- a) Where it is not possible to avoid a Conflict of Interest, a risk management strategy should be adopted. Depending on the circumstance a range of risk management strategies can be implemented, including:
  - i. reporting to the Principal to investigate the matter and to discuss with the individual, on a confidential basis, ways of resolving or appropriately managing the Conflict of Interest;
  - ii. requiring the individual to relinquish or quarantine the Personal Interest in a prompt manner;
  - iii. removing the individual from the decision making process or from exercising management duties in regard to the matters to which the Conflict of Interest relates; or
  - iv. the individual removing themselves from or not taking part in debate and/or discussion of matters relating to the Conflict of Interest.
- b) Additional advice on managing conflicts of interest, depending on the issue at hand,

can be sought from the Compliance Manager and the Assistant Principal (Internal Operations) or from relevant external authorities.

### **Part C - Examples of Conflicts of Interest**

The following examples are provided for the purpose of developing a better understanding of the nature of Conflicts of Interest so that individuals will be able to recognise conflicts when they arise and take appropriate action in regard to their management.

- a) Holding shares that have a value of 15% or more ownership of an external like-business;
- b) holding a directorship or management role with an External Entity or a like-business;
- c) actively approaching or attempting to induce or coerce current employees of the Institute for the purpose of working in a like-business as set out above at (a) and (b);
- d) using paid employment time at the Institute to conduct affairs for other like-businesses, for example, using the Institute's computer, equipment and/or other resources during work hours to process documents for other like-business;
- e) using the Institute's intellectual property to assist a like-business or for purposes relating to a Private interest;
- f) using the Institute's internal and confidential information to assist a like-business or for purposes relating to a Private interest;
- g) using the Institute's network (for example, the Institute's student agents) and/or public relations to assist the marketing of a like-business or for purposes relating to a Private interest;
- h) using one's employed position at the Institute as leverage to approach external investors into a like-business or for purposes that relate to a Private interest;
- 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 (including sexual) relationship with a fellow staff member or student. For further information relating to relationships between staff members and students, please refer to the Institute's ***Staff and Student Relationships Policy and Declaration***;
- k) trading in an external entity which is presented to hold links to the Institute;
- l) advocating or lobbying for the goods or services of a firm where one has a Private Interest;
- m) Assessing, recommending or approving of the Institute entering into a commercial agreement with a company which the staff member has a Private Interest in or a Personal Relationship with. For example, where the staff member recommends or suggests a supplier of a service in which they have a Private Interest; and
- n) making false representations purporting to deliver services on behalf of the Institute.

If Staff members have any questions regarding this Policy and Declaration, please contact the Compliance Officer.

## Staff Member Declaration

I, \_\_\_\_\_ (*print name*)  
declare that I have read the contents of the *Conflict of Interest Policy* (“**the Policy**”) and that I  
have made all relevant disclosures relating to any actual or perceived conflicts of interest  
below. In the event a conflict of interest arises at any time in the future during my  
employment with the Institute, I will take all necessary steps to disclose such a conflict in  
accordance with this and any other applicable Policy that may be in force..

\_\_\_\_\_  
(*signature*)

Date:

\_\_\_\_\_



I have read the above report and I agree with the details contained therein.

Staff Member: \_\_\_\_\_ / / \_\_\_\_\_

Signature

Name

Date

Supervisor: \_\_\_\_\_ / / \_\_\_\_\_

Signature

Name

Date

Dean/Principal: \_\_\_\_\_ / / \_\_\_\_\_

Signature

Name

Date

#### Version Control

Historical Version	Approved by	Approval Date
2017.02	Principal	17 February 2017