

UQ College (UQC)

## Policy and Procedure

<b>Reference:</b>	Governance and Management
<b>Title:</b>	GM3.1.01 Staff Code of Conduct
<b>Custodian:</b>	CEO
<b>Reviewer:</b>	Senior Manager Corporate Services
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<b>Audience:</b>	All UQ College Staff
<b>Associated Policies:</b>	UQC HR1.1.01 Staff Code of Conduct UQC GM1.8.01 Reportable Gifts and Benefits Procedure UQ PPL1.50.11 Conflict of Interest Policy and Procedure
<b>Legislation</b>	<a href="#">Public Sector Ethics Act 1994 (Q/d)</a>
<b>Version:</b>	3.0

## Purpose and Scope

### Purpose

The purpose of this Policy is to ensure that any conflict of interest is avoided, resolved or appropriately managed.

The UQC framework for managing conflict of interest seeks to protect UQC and its employees from the risks associated with actual, perceived and potential conflicts of interest. The framework has three key pillars: (1) education and awareness; (2) self-assessment and disclosure; and (3) management of conflicts.

A conflict of interest involves:

- A **perceived conflict** where it could reasonably be perceived, or give the appearance, that a competing interest or obligation, whether personal or involving a third party, could improperly influence the performance of a staff member's, or contractor's duties and responsibilities to UQC.
- A **potential conflict** of interest where a staff member has an interest or obligation, whether personal or involving a third party, that could conflict with the staff member's, or contractor's duties and responsibilities to UQC.
- An actual conflict where a staff member has a competing interest or obligation, whether personal or involving a third party, that directly conflicts with the staff member's, or contractor's duties and responsibilities to UQC.

This policy is consistent with principles of the *Public Sector Ethics Act 1994 (Qld)* and The University of Queensland Code of Conduct.

### Scope

This Code of Conduct applies to all staff of UQC. Staff members are directed to comply with this Policy.

It is an expectation of UQC that contractors will also act in accordance with this Code of Conduct while undertaking work for or on behalf of UQC.

Where conflicts of interest are identified, they must be disclosed and managed appropriately in accordance with this Policy and the associated procedure.

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## 1. Principles and Key Controls

### 1.1 Principles

Accountability, honesty and common sense are central to the good management of conflicts of interest. Without limiting the obligations set out in this policy, UQC staff must:

1. Restrict the extent to which a private interest could compromise, or be seen to compromise, their impartiality when carrying out their official duties.
2. Refrain from involvement in official decisions and actions which could be compromised by other private interests and affiliations.
3. Avoid personal activities or undertakings which could, or could be seen to, provide an improper advantage through the use of confidential or privileged UQC information.
4. Refrain from using their official position or UQC resources for private personal gain or gain by others with whom the staff member has a relationship or personal association.
5. Ensure that there can be no perception that they have received an improper benefit that may influence the performance of their official duties.
6. Refrain from taking improper advantage of their official position or confidential/privileged information gained in that position when seeking employment outside UQC, or provide such advantage to others with whom they have an association.

### 1.2 Types of conflict

UQC staff and contractors must be aware of the different types of conflicts of interest and regularly self-assess their circumstances, and disclose and appropriately manage any conflict of interest in accordance with this policy and the associated procedures.

Conflicts of interest include, but are not limited to, the examples outlined below.

#### **Private interests**

Conflicts of interest can arise from a UQC staff member avoiding personal losses or gaining personal advantage by virtue of their role or access to UQC information that is not available to others. A private interest may be financial or non-financial, and may include business interests in a company tendering for paid work from the UQC.

#### **Personal relationships**

University staff must carry out their official duties with integrity and avoid conflicts of interest between their personal relationships and their UQC responsibilities. Personal relationships may include:

- Family and close personal relationships – staff must not be involved in decisions affecting the employment or academic administration or teaching of a person with whom they have a family or close personal relationship. These relationships may include spouse, children, siblings or cousins, relations by marriage, close relatives, close friendships or sexual relationships.
- Financial relationships – staff must not be involved in decisions affecting the employment or academic administration of a person with whom they have a commercial relationship or where a personal financial interest exists.

#### **Personal benefits**

A conflict of interest may occur where a UQC staff member receives a gift or benefit that is, or may be perceived as, influencing the performance of their official duties. The UQC Reportable Gifts and Benefits Procedure requires staff to disclose their receipt of certain gifts.

## 1.3 Disclosing and managing a conflict of interest

All conflicts of interest must be disclosed and managed transparently between relevant parties and should align with a conflict of interest management plan. Strategies available to manage conflicts of interest include:

- Disclose and establish details of the conflict
- Restrict the staff member's, or contractor's involvement or actions in the matter
- The individual may remove themselves from involvement in the matter
- The individual and/or their related parties may relinquish their private interest
- The individual's resignation is an option of last resort if no other options are workable

## 2. Roles, Responsibilities and Accountabilities

### 2.1 UQC staff and contractors

Staff and contractors must comply with this policy and associated procedures.

Staff are required to:

1. complete mandatory training and undertake regular self-assessment;
2. disclose or update any conflict of interest involving themselves, and suggest an appropriate management plan;
3. work with their supervisor to refine a management plan they have submitted; and
4. alert supervisors to conflicts of interest held by other staff where they have reasonable belief the conflict of interest has not previously been disclosed.
5. advise their supervisor if a conflict of interest ceases to exist.

Where a staff member is unsure about whether they have a conflict of interest they should seek advice from their supervisor in the first instance. Supervisors may seek advice from their Senior Manager or, the UQC CEO.

### 2.2 Supervisors

In addition to the responsibilities in section 2.1, the Supervisor is required to:

1. work with staff to refine management plans for conflicts that have been disclosed to them;
2. recommend management plans for conflicts involving staff in their team(s) or organisation unit for UQC CEO approval;
3. seek advice on how to manage conflicts of interest where necessary;
4. monitor and manage any conflict of interest and management plan within the UQC Conflict of Interest Register involving staff under their supervision until a point in time when a conflict no longer exists.

### 2.3 Executive

In addition to the responsibilities in section 2.1, the UQC CEO is required to:

1. Work with staff in their team(s) to refine management plans for conflicts that have been disclosed to them, and approve where appropriate;
2. Approve and manage complex or sensitive disclosures or management plans that are referred to them by a Senior Manager, or otherwise referred; and

3. Monitor and manage any conflict of interest and management plan within the UQC Conflict of Interest Register involving staff under their supervision, or contractors undertaking work for or on behalf of UQC, until a point in time when a conflict no longer exists.

## 3. Monitoring, Review and Assurance

### 3.1 Compliance

Failure to comply with this policy and associated procedures will constitute a breach of the UQC Code of Conduct and may be dealt with as misconduct or serious misconduct.

UQC has a legislative obligation to report breaches of this policy, where necessary, to external agencies including the Queensland Audit Office and the Crime and Corruption Commission.

### 3.2 Monitoring

UQC, through the UQC Board of Directors, will periodically review this policy and its procedures for their effectiveness.

## 4. Recording and Reporting

### 4.1 Conflict of interest register

The UQC Senior Manager Corporate Services is responsible for maintaining a confidential register of Conflicts of Interests on behalf the UQC Executive and UQC Board of Directors.

**Disclosure of a Conflict of Interest Form**

A Conflict of Interest occurs when there is a conflict between a staff member's private interests and their obligation to UQ College (UQC). A Conflict of Interest may arise if a reasonable, disinterested person would think that the behaviour could conflict. A Conflict of Interest can be financial or non-financial in nature or otherwise constitute a material benefit or advantage.

A Conflict of Interest includes not only a personal advantage to a staff member, but to a staff member's family, close relatives or business associates, or outside business interests or activities of the staff member.

The UQC Code of Conduct places an obligation on staff to avoid conflicts between their private interests and their employment responsibilities and should avoid situations where there is a reasonable basis for the perception of such a conflict.

This form is to be completed by any staff member who has an actual, potential or perceived Conflict of Interest in undertaking their staff duties, responsibility and leadership role. A copy of the completed and signed form is to be stored on the staff member's personnel file and on the conflicts of interest register.

Conflicts of Interest can be actual, perceived, or potential:

- a) An **actual** conflict involves a direct conflict between a staff member's duties and responsibilities to UQC and a competing interest or obligation, whether personal or involving a third party.
- b) A **perceived** conflict exists where it could reasonably be perceived, or give the appearance, that a competing interest could improperly influence the performance of a staff member's duties and responsibilities to UQC.
- c) A **potential** conflict arises where a staff member has an interest or obligation, whether personal or involving a third party, that could conflict with the staff member's duties and responsibilities to UQC.

**Note:**

Merely declaring a Conflict of Interest does not mean that the staff member can then continue to lead, perform duties or carry out responsibilities in relation to or associated with, the matter in question without taking further action. Once declared, the Conflict needs to be managed in accordance with the Policy (Managing a Conflict of Interest).

<b>STAFF MEMBER'S DISCLOSURE:</b>	
Name:	
Position title:	
Phone:	Email:
Organisational Unit:	
I am declaring: (Tick all boxes that apply)	
<input type="checkbox"/> That I have read and understand the UQC Conflict of Interest Policy and Procedures	
Based on the UQC Conflict of Interest Policy, I declare that I have:	
<input type="checkbox"/> An Actual Conflict:	
<input type="checkbox"/> A Perceived Conflict:	
<input type="checkbox"/> A Potential Conflict:	
<input type="checkbox"/> No Conflict:	
<b>SITUATION OR CONFLICT OF INTEREST</b>	
Please provide a brief outline of the nature of the conflict (details may be included privately in a separate confidential envelope if appropriate):	

<b>BACKGROUND INFORMATION</b>
Please attach copies of all relevant background material and provide further information:
<b>CONFLICT OF INTEREST MANAGEMENT</b>
Please detail the arrangements proposed to resolve/manage the conflict (attach details separately if appropriate):
<b>CONFIRMATION</b>
In making this declaration, I agree to: <ul style="list-style-type: none"> <li>• Update this disclosure during the entire period of my employment with the University or until such times as the conflict ceases to exist; and</li> <li>• Cooperate in the development of Conflict of Interest management plans as required; and</li> <li>• Comply with any conditions or restrictions imposed by UQC to manage, reduce, or eliminate an actual, potential or perceived Conflict of Interest</li> </ul>
Signed:
Date:
<b>ENDORSEMENT BY CEO</b>
I have reviewed this disclosure and:
<input type="checkbox"/> believe that a plan to manage the Conflict of Interest is not required and that no further action is necessary in relation to this matter; or
<input type="checkbox"/> believe that the plan outlined in the disclosure will mitigate or remove the Conflict of Interest but will continue to monitor the situation; or
<input type="checkbox"/> cannot adequately resolve the Conflict of Interest with the staff member concerned and have referred the matter to the UQC Board for resolution
Signed:
Name:
Position:
Date:



## Document History

Version	Summary of changes	Author	Action date
3.0	Updated for transfer of business to UQC CRICOS Code	Senior Manager Corporate Services	15 March 2023