

Interests (Conflicts of Interest) Policy



Responsibility for policy: Health and Safety, Risk and Assurance Committee

Approving authority: Council

Last reviewed: December 2023

Next review date: December 2028

Application

1. This policy applies to all staff of the University of Waikato as well as non-staff members of the University of Waikato Council and its committees.

Purpose

2. The purpose of this policy is to:
 - a. require that those making decisions on behalf of the University disclose and manage any interests they may have, and act in a manner consistent with their responsibilities to the University and the public, and
 - b. require that staff working with other staff or students with whom they have a close personal relationship disclose and manage any interests they may have, and act in a manner consistent with the [Staff Code of Conduct](#).

Related documents

3. The following documents set out further information relevant to this policy:
 - [Appointment and Employment of Relatives or Close Friends of Staff Members Policy](#)
 - [Conflict of Interest FAQ](#)
 - [Financial Ethics Policy](#)
 - [Fraud and Corruption Policy](#)
 - [Governance and Management Guidelines](#)
 - [Managing Conflicts of Interest: Guidance for Public Entities \(Office of the Auditor General\)](#)
 - [Procurement Policy](#)
 - [Protected Disclosures Policy](#)
 - [Rules of Procedure for Council and its Committees](#)
 - [Staff Code of Conduct](#)

Definitions

4. In this policy:

close personal relationship means a relationship that goes beyond a casual acquaintance or a teaching, supervisory, pastoral care or collegial relationship, including but not limited to:

 - a relative or close family friend
 - a relationship of financial dependence
 - a shared domestic living arrangement
 - a consensual romantic or sexual relationship.

interest means involvement in or attention given to a particular situation or relationship

conflict of interest means an interest that a person has that *actually* conflicts or *might* conflict or *might be perceived* to conflict with the interest of the University of Waikato. A conflict of interest can arise through a relationship, an activity or strong personal views and does not necessarily imply wrong-doing on the part of any person

staff means a general or academic member of staff of the University of Waikato or a contractor to the University.

Principles

5. The University encourages staff to have diverse interests and contacts across local, national and international communities; collaborations between staff and outside bodies are, generally speaking, both in the public interest and beneficial to the University.
6. It is possible however, that a staff member's interests could at times give rise to an actual, potential or perceived conflict of interest with their role and responsibilities at the University.
7. At all times, people acting on behalf of the University must behave and be seen to behave in a reasonable and transparent manner and in the best interests of the University.
8. A conflict of interest (or potential conflict of interest) occurs when any of the following apply:
 - A person is in a position to derive personal benefit from actions or decisions made by them in their official capacity.
 - A person's responsibilities are, or could be, affected by some other personal, financial or academic interest or duty. This can include staff/staff or staff/student relationships, or family members or close friends benefiting from the responsibilities held by a person in their official capacity.
 - A person's activities outside their employment with the University lead, or could lead, to material benefit for the person concerned, either directly or indirectly, to the detriment (or potential detriment) of the University.
 - A person's activities outside their employment with the University interfere, or could interfere, with the fulfilment of their employment obligations to the University.
9. The existence of a potential or perceived conflict of interest does not necessarily imply wrongdoing on the part of any person, however any interest which could give rise to a potential conflict of interest must be dealt with quickly and transparently, that is it must be:
 - a. disclosed
 - b. acknowledged
 - c. recorded, and
 - d. managed.
10. Members of the University community must consider how an impartial observer might reasonably perceive a potential conflict of interest, whether or not any wrongdoing is involved.
11. Line managers must be alert to situations in which they and the people that they manage may have a conflict of interest and ensure that the situation is managed and handled appropriately.
12. Ensuring that interests are properly managed is crucial to reducing legal and reputational risk and to demonstrating the integrity of individual staff and of the University; interests that are not properly managed have the potential to damage the reputation of individual staff and of the University as a whole.

Identifying and managing potential conflicts of interest

13. The [Conflict of Interest FAQ](#) and the Office of the Auditor General Good Practice Guide [Managing Conflicts of Interest: Guidance for Public Entities](#) provide useful advice on identifying potential conflicts of interest.
14. The [Appointment and Employment of Relatives or Close Friends of Staff Members Policy](#) sets out the rules for managing potential conflicts of interest in relation to recruitment and employment matters.
15. The [Staff Code of Conduct](#) sets out the rules for managing potential conflicts of interest in relation to close personal relationships involving staff and students.
16. The [Financial Ethics Policy](#) sets out the rules for managing potential conflicts of interest in relation to financial management; the [Procurement Policy](#) sets out the particular rules for managing potential conflicts of interest in tendering and purchasing matters.
17. Interests must be disclosed to the appropriate person in the circumstances; the appropriate person in most circumstances will be the staff member's line manager or supervisor, or in the case of committees, the chairperson.

18. The chairperson of a committee with non-staff members (including students) needs to be cognisant, and specifically enquire, at each meeting of any potential conflicts of interest between the non-staff member on the committee and the University.
19. Any person who has disclosed an interest in a matter being considered may, at the discretion of the line manager or committee chairperson, take part in discussion of the matter giving rise to the interest.
20. Any person who has disclosed an interest in a matter and that interest has been determined by the line manager or committee chairperson to be in conflict with the interests of the University, must not take part in any decision about the matter.
21. Council members interests are declared and reviewed for any specific interests in relation to the agenda at the start of each meeting.

Responsibilities

22. Staff members must:
 - a. be seen at all times to behave in a reasonable and transparent manner and in the best interests of the University
 - b. identify and disclose any actual or potential conflict of interest that may affect, or may be seen to affect, their impartiality when acting on behalf of the University
 - c. be alert to situations in which the people that they manage or supervise may have a conflict of interest and ensure that the situation is recognised and handled appropriately.
23. Staff members who have identified an interest - actual, potential or perceived - that may appear to affect their impartiality when conducting business on behalf of the University must ensure that it is appropriately disclosed.
24. In respect of any potential conflict of interest relating to a financial transaction or transactions, the interest must be declared to the Director of Finance through [Kuhukuhu](#) (Financial Services: Interest Declaration) who will decide on the appropriate course of action.
25. In respect of any potential conflict of interest relating to a close personal relationship, the interest must be declared to the Director of People and Capability who will decide on the appropriate course of action.
26. In respect of any potential conflict of interest arising during any committee meeting by any member of the committee (staff member, non-staff member, student member or Council member), the interest must be declared to the committee chairperson. The person must not take part in any decision about the matter and, subject to the discretion of the chairperson, may be required to leave the meeting during discussion of the relevant matter.
27. In respect of any other potential conflict of interest, where a staff member considers that a conflict of interest may exist they must disclose this in writing to their line manager. Where the line manager determines that a conflict of interest exists, or may be perceived to exist, the line manager will acknowledge the conflict of interest and must:
 - authorise the staff member in writing to continue in their current duties, or
 - put in place additional processes to ensure the impartiality of the staff member in performing their duties and advise the staff member in writing of those processes, or
 - adjust the duties of the staff member to remove the conflict of interest and document the adjustment made, or
 - escalate the matter to the Vice-Chancellor for the determination of appropriate action.
28. In accordance with the [Rules of Procedure for Council and its Committees](#), at the time they are appointed, members of Council are required to complete and sign a Conflicts of Interest Declaration, disclosing all relevant interests in both their personal and professional capacities and also disclosing any relevant interests, to the extent that they have knowledge of them, of people with whom they have a close personal or professional relationship.
29. The Council Secretary must maintain a Conflicts of Interest Register for Council, which contains details of all potential conflicts that have been declared by members to date; every agenda must include a regular item under which the current Register is attached and members are requested to declare any specific interests in relation to the agenda for that meeting.

Confidentiality

30. Disclosure of interests involving confidential or sensitive information must be handled with due regard to the privacy of the individual concerned.

Responsibility for monitoring compliance

31. The Chief Operating Officer and the Director of People and Capability are responsible for monitoring compliance with this policy and reporting any breaches to the Health & Safety, Risk and Assurance Committee.
32. Breaches of this policy by staff may result in disciplinary action under the [Staff Code of Conduct](#).
33. Breaches of clauses 18 and/or 26 of this policy by students may result in disciplinary action under the [Code of Student Conduct](#).
34. Breaches of this policy by non-staff or non-student members of Council or its standing committees will be dealt with as appropriate in consultation with the Chancellor.