

Policy: Disclosure of Interest

Purpose

To provide a framework for the identification, disclosure, and management of interests of ANU Representatives that may create risk to the University and its staff. This includes any interest external to the University to ensure the University maintains sufficient visibility over interests that have a potential to create risks or conflicts of interest.

Overview

The University's disclosure of interest (DOI) policy and associated framework has been created as a mechanism that enables the University to undertake operations and deliver its higher education and research objectives in a manner that provides accountability and transparency, instils public trust in staff while appropriately mitigating and controlling risks.

This policy supersedes the previous Conflict of Interest and Commitment Framework and should be read in conjunction with the University's [Code of Conduct](#). It is supported by the Disclosure of Interest [Procedure](#).

Scope

This Policy applies to all University representatives (see definitions) across all University entities including any wholly owned subsidiaries. This policy should be read in conjunction with the University's Code of Conduct, Disclosure of Interest [Procedure](#) and [Disclosure of Interest Guidelines](#) to ensure appropriate compliance.

University representatives working on United States (US) Federally Funded grants for Public Health Service Agencies or the National Science Foundation may need to complete and adhere to the separate US Financial Conflict of Interest [Framework](#) (US FCOI) to satisfy more prescriptive requirements.

Disclosures of Interests and the management of Conflict of Interests for students are covered in the [Student Code of Conduct](#).

Definitions

For the purpose of this policy, the following definitions apply:

Interest includes any financial, fiduciary or personal interest that is created externally to a University representative's employment/engagement with the University.

- Interests may arise through private pursuits or non-University activities. This refers to an individual's distribution of efforts between employment obligations to the University and to outside professional and/or personal activities.

Conflict of Interest can occur wherever an interest held by a University representative intersects with an interest of the University. Conflicts of interests may arise in three different ways, which are set out below:

- **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 decision making of a University representative in relation to their duties and responsibilities to the University.
- **A potential conflict of interest** where a University representative has an interest or obligation, whether personal or involving a third party, that could conflict with the staff member's duties and responsibilities to the University.
- **An actual conflict** where there is a real and tangible conflict between the University representative's duties and responsibilities to the University and their private interests.

University representative means any person employed by the University or represents the University, or its interests, in an official capacity (whether paid or voluntary), including:

- a member of the [Council](#) or Council Committees, staff members of the University – including professional and academic staff;
- a person appointed by the University as a director of a University controlled entity or of a company or other organisation in which the University has an interest;
- a person who holds a clinical, adjunct, conjoint or honorary title or appointment;
- A person who holds Company Directorships, Secretaryships and Partnerships;
- a person who is classified as a [Visiting and Honorary Appointment](#) (VaHA) or who otherwise has official visiting status;
- a person engaged as an agent or contractor of the University (whether in Australia or overseas); or
- A volunteer, undertaking duties for the University in any voluntary capacity. This definition does not include students.

Supervisor means the person identified as such according to the [Australian National University \(ANU\) Enterprise Agreement \(EA\)](#), or, if the staff member is not covered by the

Agreement, the person who a staff member or representative reports directly to while carrying out their University roles. Supervisors are primarily responsible for reviewing disclosed interests and developing Interest Management Plans (IMPs) where required. Where no supervisor is clearly defined in a University representative's relationship with the University, the representative should liaise with their primary point of contact for guidance around disclosures.

External Entity means any corporation, partnership, sole proprietorship, firm, overseas university, overseas government department, franchise, association, organisation, company, business, or any other legal entity, which is not the University or an entity controlled by the University, or an Australian government entity.

Materiality means an interest that is real and substantial. The interest should also have, or appear to have, relative capacity or capability to influence the conduct of a person in a manner that would adversely impact the interests of the University (whether or not it actually does so).

Policy Statement

Principles

1. All University representatives disclose any interests that have the capacity to create a scenario where a conflict arises upon commencing an affiliation with the University. University representatives, at a minimum, review their disclosures on an annual basis thereafter and where circumstances change creating a new interest, these must be disclosed as soon as reasonably possible after they arise.
2. There are seven actions that underpin operation of the ANU DOI framework, these include:
 - a. Identify proactively and in good faith, any scenarios where an interest may exist or may be created;
 - b. Disclose any interests to immediate supervisors (or another appropriate staff member if the supervisor is unable to be involved in the disclosure for whatever reason) as soon as it is reasonable to do so;
 - c. Seek Advice, where possible, on any interests relating to ethical, legal, financial, or otherwise, to ensure that activities and interests do not conflict with obligations to the University or its interests; this can be done through discussing with the supervisor (or other staff member if the supervisor cannot be involved in the disclosure for whatever reason) or by liaising with the University's Corporate Governance and Risk Office (CGRO) via disclosure@anu.edu.au;

- d. Manage interests where necessary using an approved Interest Management Plan (IMP) developed in consultation with a supervisor (where a University representative does not have a clearly stipulated/assigned supervisor, their primary contact person at the University is considered the supervisor) to ensure any risks created by the interest are managed appropriately and the public interest and/or the interests of the University are protected.

If, for whatever reason, a disclosure cannot be made to a supervisor, the disclosure should be made to that supervisor's supervisor or further advice should be sought from [CGRO](#).

- e. Escalate interests where escalation thresholds are breached to ensure relevant stakeholders have visibility over the interest, its associated management plan and any current or emerging risks that are associated with it (see the document on Escalation Thresholds);
- f. Monitor interests to ensure the control/mitigation mechanisms agreed upon in any approved IMPs remain appropriate; and
- g. Review IMPs and individual situations at least annually to ensure any information relating to interests that has been disclosed to the University is both accurate and up to date.

Standards of Conduct

3. The [Code of Conduct](#) refers to the general standards of conduct expected of University representatives. The increasingly complex nature of conflicts of interest, including those involving personal relationships and potential financial gain from external commercial activities, make clear principles and procedures essential. Additionally, the provisions set out in the [Public Governance, Performance and Accountability Act 2013](#) (Cth) (the PGPA Act) bind University representatives to behave in good faith, effectively manage interests and act with propriety when making decisions relating to University matters.
4. University representatives are not permitted to use University Resources for private income generation.
5. The Code of Conduct includes a duty for all University representatives to exercise due care and diligence and act in good faith in relation to the use of information they interact with during the course of their employment.
6. In addition to the above, representatives have a common law obligation of confidentiality and loyalty of service to the University and must ensure that sensitive and confidential matters relating to the work or administration of the University are not improperly disclosed.

Obligation of disclosure

7. This policy sets out an obligation to seek advice and disclose interests proactively in order to facilitate sound risk management practices relating to those interests wherever possible. University representatives are obligated to make disclosures where an interest exists whether or not that interest is direct or indirect.
8. Any actual, potential or perceived interest that has the capacity to, or may appear to, influence or compromise a staff member in carrying out their activities at the University should be disclosed. Interests may arise or be created when carrying out activities such as making decisions, determining research directions, or engaging in relationships whether external or internal to the University, regardless of whether relationships are professional or personal.
9. Interests, whether they involve financial arrangements, or a commitment external to the University, can impact on University operations, or undermine the trust and reputation of the University if they are not managed appropriately. For a range of different types of interest that require disclosure, see the Disclosure of Interest (DOI) Guidelines.

Disclosure and Management of Conflict of Interest (COI)

Members of Council and Council Committees

10. Interests relating to members of Council and its various Committees will be disclosed and managed in accordance with the Charter of the University Council and the Charters of each of its major Committees.

University representatives

11. All real or perceived interests are disclosed in the first instance to immediate supervisors or primary points of contact and managed transparently. An Interest Risk Assessment (IRA) must be completed in the event of a disclosure. If required, an IMP should also be completed – both documents shall be stored centrally. IRAs and IMPs should be completed in a consultative fashion between the University representative to whom the interest relates and their supervisor. IRAs and IMPs and their development are addressed in greater detail in the University's Disclosure of Interest Procedure. There are several approved strategies that can be used in managing interests, which are set out below:
 - a. **Register:** disclose and establish the details of the interest;
 - b. **Restrict:** restrict the staff member's involvement or actions in relation to the interest;
 - c. **Recruit:** recruit an objective third party to oversee processes associated with the interest;
 - d. **Remove:** the individual that the interest relates to can remove themselves from

involvement in activities that relate to their interest;

- e. **Relinquish:** the individual and/or any related parties may relinquish any interest that is contributing to, or creating, a risk or conflict;
- f. **Resigning/Ceasing** from the role/activity that creates the interest (either temporarily or permanently, depending on the risks associated with the interest and the longevity of those risks).

Compliance

- 12. The University regards non-compliance with this policy as a serious matter. Depending on the severity and impact of instances of non-compliance, appropriate disciplinary action may be taken up to and including dismissal.
- 13. In circumstances where non-compliance occurs, supervisors or primary points of contact should liaise with their local HR contact to obtain advice and ensure the process is managed effectively and efficiently.

Recording and Reporting

Members of Council and Council Committees

- 14. Members of Council have an obligation to disclose to Council any interest that exists between the member's personal interests and those of the University. This is set out in the PGPA Act.
- 15. Members of committees of Council are required to disclose to the respective Committee any interest that exists that between the member's personal interests and those of the University.
- 16. In accordance with the Council and Council Committee Charters, members of Council and its committees are required to complete an annual declaration of interests – whether or not a conflict exists or may exist. These declarations are captured in a separate Register of Disclosed Interests and is managed by the University's CGRO.

University representatives

- 17. A central register of all interests (the Central Interest Register or 'CIR') will be established and maintained by CGRO – additional information of this register is contained within the University's Disclosure of Interest Procedure. All supervisors across the University will have access to the register for their staff and will be responsible for ensuring the register is reviewed for accuracy/currency on an annual basis at minimum.
- 18. Senior Delegates responsible for the submission and management of grants will have access to the central register to ensure ANU meets its institutional obligations to funding agencies.

Funding Agencies

19. In addition to disclosing to the ANU, University representatives may be required to proactively disclose to funding agencies any or all of their interests. This includes the ANU US Financial Conflict of interest [policy](#).

Privacy and Confidentiality

The University recognises that the disclosure of interest by an individual may involve the disclosure of personal information. The University adheres to the [Privacy Act 1988 \(Cth\)](#) (Privacy Act) and will treat information provided in accordance with the principles set out in the Privacy Act and the University's Privacy [Policy](#).

Any individual who is concerned about the potential ramifications of disclosing specific information should raise their concerns directly with their head of area, particularly if they feel it is inappropriate to disclose such information to their immediate supervisor. The area head will then determine what extent of information is subsequently disclosed, bearing in mind legislative requirements, the requirements of the University's disclosure of interest framework and the privacy of the individual concerned.

Relevant Policy, Procedure and Guidelines

For a comprehensive overview of all policies, procedures, guidelines and forms with relevant linkages to the DOI framework, please see the following documents:

Governance

- [International Partnerships and Agreements](#)
- [Committee and Secretariat](#)
- [Procurement Probity](#)
- [Public Interest Disclosures](#)
- [Political Elections](#)
- [Paid Outside Work](#)
- [Fraud and Corruption Control](#)
- [Review of Decisions](#)

Human Resources

- [Outside work for Professional Staff](#)
- [Appointments](#) and associated policies and procedures
- [Workforce Planning](#)
- [Code of Conduct](#)

- [Managing unsatisfactory performance and misconduct](#)
- [Classification of professional staff positions](#)
- [Staff grievance resolution](#)

Research and Academic

- [Academic Promotion](#)
- [High Degree by Research – Examinations](#)
- [High Degree by research – submission and examination of Theses](#)
- [Admissions](#)
- [Scholarships \(Coursework\)](#)
- [Academic Programs and Courses Accreditation](#)
- [Honorary Degrees](#)
- [Research Misconduct and Serious Research Misconduct](#)
- [Student Assessment \(Coursework\)](#)
- [Responsible Conduct of Research](#)
- [Academic Titles Conferral](#)
- [Higher Degree by Research – Supervision](#)
- [Authorship](#) and associated policies and procedures
- [Appointment of Supervisors](#)
- [US Financial Conflict of Interest](#)

Gifts/Advancement

- [Gifts and Fundraising](#)
- [Gift Fund Governance](#)
- [Gift Acceptance](#)
- [Gifts to the University.](#)

Document information

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