

Conflict of Interest Policy

Section 1 - Key Information

Policy Type and Approval Body	Administrative - Vice-Chancellor
Accountable Executive - Policy	Chief Operating Officer
Responsible Manager - Policy	Chief People Officer
Review Date	6 June 2028

Section 2 - Purpose

(1) This Policy supports the University's '[Code of Conduct](#)', which requires all members of the University to avoid, declare and manage conflicts of interest. It also sets out the University's expectations and process by which individuals must declare, manage and record potential, actual or perceived conflict of interest (referred to in this Policy as Conflicts of Interest).

(2) This Policy is intended to be consistent with the expectations of the Victorian Independent and Broad-based Anti-corruption Commission (IBAC) and the principles of the [Australian Code for the Responsible Conduct of Research \(2018\)](#).

Section 3 - Scope

(3) This Policy applies to:

- a. staff
- b. volunteers (including adjunct and honorary professors)
- c. Council members
- d. contractors
- e. individuals conducting research under the auspices of La Trobe University (including HDR candidates) and bound by the [Research Integrity Policy](#).

Section 4 - Key Decisions

Key Decisions	Role
Endorse a Conflict of Interest Declaration and Management Plan	Manager/supervisor ('Reviewer')
Approve a Conflict of Interest Declaration and Management Plan - in relation to research-related matters	Executive Director, Research Office
Approve a Conflict of Interest Declaration and Management Plan - in relation to non-research related matters	Chief People Officer

Section 5 - Policy Statement

(4) Each person covered by this Policy is expected to:

- a. always act in the best interests of the University;
- b. avoid Conflicts of Interest.

(5) A Conflict of Interest occurs when an individual's personal interests compete with, could potentially compete with, or be reasonably perceived to compete with, the interests of the University.

(6) A personal interest is any interest an individual covered by this Policy may have, other than the professional duties and responsibilities they owe to the University. Personal interests therefore include any type of benefit (whether financial or not) to:

- a. the individual themselves;
- b. persons with who the individual has a familial relationship (e.g. immediate and extended family);
- c. persons with who the individual has a personal relationship (e.g. close friends or intimate partners, or the family members of such individuals), former colleagues or graduate research students that an individual may have supervised);
- d. other organisations/third parties to which an individual may owe a competing duty or seek to inappropriately benefit.

(7) Conflicts of Interest can be actual, potential or perceived:

- a. an actual conflict of interest is where there is a conflict between an individual's personal interest(s) and the interests of, or duties/responsibilities owed to, the University;
- b. a potential conflict of interest is when an individual's personal interest(s) has the capacity to conflict with the interests of, or duties/responsibilities owed to, the University; and
- c. a perceived conflict of interest is when it is reasonable for people to believe that an individual's personal interest could compete with the interests of, or duties/responsibilities owed to, the University.

(8) Conflicts of Interest can exist or arise in a range of circumstances, including:

- a. recruitment;
- b. procurement;
- c. research;
- d. when an individual has or develops:
 - i. a personal relationship or familial relationship (e.g. between staff, staff and students and staff and contractors etc);
 - ii. a relationship with an organisation/third-party and the organisation/third party already has or develops a relationship with the University.
- e. the receipt of benefits, such as gifts and hospitality;
- f. outside work (whether paid or unpaid);
- g. a conflict of duty, which can often arise when people hold local government, Council or Board positions, for example:
 - i. when a person has access to the University's confidential information, and it may benefit a third-party to which the person also owes a professional/fiduciary obligation; or
 - ii. when a person undertakes lobbying on behalf of the third-party or takes any other steps intended to

benefit that third party, in a non-transparent manner.

(9) This University expects the highest standards and conduct and integrity in relation to Conflicts of Interest. Each person covered by this Policy must:

- a. avoid Conflicts of Interest;
- b. declare in advance and actively manage Conflicts of Interest appropriately, and in accordance with this Policy;
- c. decline all offers of gifts, benefits and hospitality other than in accordance with Part C of this Policy;
- d. follow any direction(s) given by a University representative in line with this Policy to avoid or manage a Conflict of Interest to the University's reasonable satisfaction (including providing information and documentation as requested).

(10) In addition, some individuals are required to disclose certain personal interest(s), regardless of whether they constitute a Conflict of Interest, in accordance with various legislative obligations. For example:

- a. Council members - [La Trobe University Act 2009 \(Vic\)](#);
- b. all staff in respect to being transparent about foreign influence - [Foreign Influence Transparency Scheme Act 2018](#) (Cth).

(11) A failure to avoid, declare and/or appropriately manage a Conflict of Interest, or otherwise comply with this Policy, may result in internal disciplinary action. In serious cases, referral to public agency bodies, such as the Independent Broad-based Anti-corruption Commission (IBAC) may also be made.

Section 6 - Procedures

(12) The following procedures support compliance with this Policy.

(13) For procedures in relation to selection of texts authored by La Trobe staff or their close associates, please refer to [Conflict of Interest Procedure - Staff Authored Texts](#).

Part A - Managing Conflict of Interests

General Obligations

(14) If a person covered by this Policy has a Conflict of Interest, or is unsure whether a Conflict of Interest exists, they must:

- a. proactively disclose the Interest to their manager/supervisor or other relevant individual specified in the procedure below;
- b. complete a [Conflict of Interest Declaration and Management Plan](#); and
- c. follow the process in Part D (unless another process is described below).

Specific scenarios and obligations

(15) Below are common scenarios where a Conflict of Interest will likely exist. In addition to the obligations set out above, a person covered by the Policy must ensure they adhere to the relevant mandatory obligations set out below and ensure they are captured in any [Conflict of Interest Declaration and Management Plan](#).

Personal/familial relationships between staff

(16) Where a person covered by this Policy has a personal or familial relationship with a staff member or prospective

staff member, they must not:

- a. be involved in any decision-making process related to the individual, whether directly or indirectly, for example:
 - i. recruitment, appointment or transfer;
 - ii. performance or promotion;
 - iii. any other forms of recognition, award, benefit, learning/development opportunities, payment, allowance whether pecuniary or not.
- b. manage the individual concerned;
- c. act as their more senior line manager within the same division/school/business unit; or
- d. access information relating to the individual.

(17) The relevant senior leader under this Policy may approve exceptions to subclauses 16c and 16d subject to an active and comprehensive [Conflict of Interest Declaration and Management Plan](#) that comprehensively mitigates against the risks associated with such arrangements. The [Conflict of Interest Declaration and Management Plan](#) must be reviewed more frequently than ordinarily required being at least once every six months.

Personal/familial relationships with students

(18) Where a person covered by this Policy has a personal or familial relationship with a student or prospective student, they must not:

- a. participate in any decision directly involving that individual in any way, for example:
 - i. selection for entry to the University;
 - ii. assessment of student progress;
 - iii. classification for honours;
 - iv. selection for any scholarship or prize;
 - v. honours or postgraduate supervision;
 - vi. disciplinary proceeding;
 - vii. selection for positions of student responsibility;
 - viii. application for a student loan; or
 - ix. application or assessment for other support services.

Personal/family relationships with third-parties

(19) Where a person covered by this Policy has a personal or familial relationship with someone who works for a third party, that person must not participate in or contribute to decisions being made which may provide an unfair advantage or disadvantage to the third party.

Financial and Procurement

(20) A personal financial interest can arise in a range of scenarios. Examples of when a personal financial interest can arise include:

- a. where staff member who has budgetary responsibilities for a school or department also has a personal interest (or a person with who the staff member has a personal/familial relationship has a personal interest) in an activity that is to be funded out of that division/school/business unit;
- b. where a staff member has a personal interest in another organisation and that organisation engages in activity with the University whether the staff member may receive a benefit or not from that organisation;
- c. where a staff member has a personal interest in another organisation and the work the staff member is performing for the University may benefit that organisation;

- d. where a University researcher has a financial personal interest in an external company and that company funds part of the research being undertaken by the researcher at the University; or
- e. any financial decision at the University in which a staff member has a personal interest, including but not limited to investments, loans, purchases or sales of goods/services, equity (shares) and accounting decisions.

(21) All personal financial interests give rise to an actual Conflict of Interest. Therefore, any mitigation measure in a [Conflict of Interest Declaration and Management Plan](#) must ensure that the individual has no role in decision-making relevant to their personal interest.

Recruitment and Selection

(22) Staff can recommend someone they have a personal/family relationship with for a vacant position, however they must not take any part in the selection process for any appointment for which this person is an applicant.

Other Employment/Engagements (i.e. Outside Work)

(23) Whilst in specific cases there may be obvious benefits to both staff members and the University for staff members to hold other employment/professional engagements in conjunction with their University employment, there also exists a potential for an actual, potential or perceived Conflict of Interest.

(24) Full time staff members who hold other employment/professional engagements must declare the other employment to their manager in advance so that advice may be sought from People & Culture (P&C) to evaluate whether the other employment is appropriate. Staff members must not engage in employment/professional engagements where P&C advise that such employment/professional engagement is inappropriate.

Research

(25) The [Australian Code for the Responsible Conduct of Research \(2018\)](#) and the University's [Research Integrity Policy](#) require researchers to declare and manage any Conflicts of Interest in research.

(26) In respect of all grants and other research funding, there is an obligation to disclose to the funding body any Conflict of Interest which might affect the research or investigations, influence publication, or otherwise affect the project.

(27) Similarly, in respect of publications, Conflicts of Interest should be disclosed to publishers or editors and to the readers of the published work.

(28) In light of the above, for research-related Conflicts of Interest, the [Conflict of Interest Declaration and Management Plan](#) must address any required disclosure to:

- a. funding bodies (such as the Australian Research Council and NHMRC);
- b. research participants;
- c. publishers and journal editors, collaborators and the public.

(29) Members of the University who engage in research are also expected to comply with the [Research Integrity Policy](#) and [Research Misconduct Procedure](#).

Part B - Conflict of Interest Declaration and Management Plans

Responsibility of Individuals

(30) All individuals covered by this Policy have the responsibility to identify and declare any situations that give rise to a Conflict of Interest (which includes potential or perceived Conflicts of Interest). This does not prevent the University

from also identifying Conflicts of Interests and consulting with the relevant individuals to determine further actions.

(31) All individuals who identify a potential, perceived or actual Conflict of Interest must complete and submit a digital Conflict of Interest Disclosure form (COI Declaration) which can be accessed through AskHR. To submit a COI Declaration, users should click on 'Submit a Form', choose 'Employee' and then select 'Conflict of Interest'.

(32) Staff newly appointed to the University will be sent a link to complete a COI Declaration as part of the University onboarding process.

(33) The COI Declaration must be completed in advance of any actual, potential or perceived conflict arising. In circumstances where the conflict is not apparent in advance, all individuals covered by this Policy must complete a COI Declaration as soon as a Conflict of Interest is identified, which is then automatically sent to the respective line manager or supervisor for their review and action.

(34) If an individual is unable to discuss the Conflict of Interest with their line manager or supervisor due to the nature of the conflict, the matter should be escalated to their two-up manager or supervisor prior to submitting the COI Declaration.

Responsibility of Line managers/supervisors & staff to who a Management Plan may be escalated

Assessing the risk

(35) In reviewing the COI Declaration and, where required, developing a Conflict Management Plan the relevant manager/supervisor/staff to who a Management Plan may be escalated (referred to as 'the Reviewer') should assess the proximity and significance of the declared Conflict of Interest. The fact that the University is a public body and receives public funds should be a paramount consideration when assessing the risk and seeking to ensure any Conflicts of Interest are avoided by effective management. This assessment may involve weighing several factors, including:

- a. the extent to which the individual's personal interest conflicts with the University decision or activity being carried out, including:
 - i. the seriousness and type of Conflict of Interest (ie, actual, potential or perceived); and
 - ii. the frequency and duration of the Conflict of Interest.
- b. the nature or significance of the particular decision or activity being undertaken;
- c. the nature or extent of the individual's current or intended involvement in the University's decision or activity;
- d. the extent to which the declared personal interest could affect, or be perceived to affect, the individual's impartiality and judgement with respect to the University's decision or activity; and
- e. the potential consequences if the Conflict of Interest is not suitably managed.

(36) After considering all relevant information, the Reviewer may determine that:

- a. there is no Conflict of Interest or the potential for a Conflict is remote; or
- b. a Conflict of Interest exists which requires appropriate management/resolution.

(37) Where there is no Conflict of Interest or the potential for one is remote, then the decision must be formally recorded by the Reviewer and reported to the Chief People Officer (for non-research related matters) or the Executive Director, Research Office (for research-related matters). The decision that there is not a Conflict of Interest must be supported by the Reviewer's written assessment and any relevant documentation. The decision must be recorded and submitted to P&C via an AskHR ticket.

(38) Where a Conflict of Interest exists, the conflicted individual must develop a [Conflict of Interest Declaration and Management Plan](#) in consultation with the Reviewer, as specified below.

Conflict of Interest Management Plans

(39) In managing a conflict of interest, the individual, Reviewer, and any other staff to who [Conflict of Interest Declaration and Management Plans](#) are escalated, must ensure that measures proportionate to the nature/extent of the Conflict of Interest are taken in order to reduce risk to an acceptable level. Such measures must be documented in a [Conflict of Interest Declaration and Management Plan](#), which forms part of the Conflict of Interest Declaration Form.

(40) The [Management Plan](#) for a Conflict of Interest will usually be based on one or more of the following risk mitigation strategies, which are known as the '5 Rs':

- a. Record
- b. Restrict
- c. Remove
- d. Recruit
- e. Relinquish

(41) The [Management Plan](#) for a Conflict of Interest should be proportionate to the risk.

(42) For very low-risk Conflicts of Interest, disclosure and recording may be the only management strategy required.

(43) For other Conflicts of Interest additional, proportionate measures will need to be taken to reduce risk to an acceptable level.

(44) While the most common Management Plans (the 5 'Rs') are listed below from least restrictive (for very low risk) to the most restrictive (for very high-risk matters), and may be used singly or in combination, having regard to the specific scenario and risk. Other measures may also be implemented.

Conflict Management Strategy	Description	Example
Record	The Conflict of Interest is officially recorded. Relevant staff and other individuals are made aware on a 'need to know' basis. Ongoing monitoring occurs. If the risk level rises, additional strategies are implemented, such as 'restrict' or 'remove'.	All Conflicts of Interest must be recorded in a Conflict of Interest Declaration and Management Plan and disclosed to relevant stakeholders (e.g. managers/supervisors, business unit/school leaders, committee/panel members, research team members or research participants) at a minimum. Whether Conflicts of Interest exist should be a standing meeting agenda item and recorded as part of meeting minutes. In a meeting setting, a person with a declared Conflicts of Interest that is considered very low risk, may present their opinion last.
Restrict	Some restrictions are placed on the individual's involvement in the conflicted matter. Can only be used where the conflict of interest arises periodically.	The Conflict of Interest Declaration and Management Plan could: <ul style="list-style-type: none">• allow the individual to take part in certain discussions, but• forbid the individual from taking part in certain or all decisions relevant to the Conflict of Interest and from being present when they are made.

Conflict Management Strategy	Description	Example
Remove	The management plan removes the individual from any involvement at all in the conflicted matter. Can be used for ongoing conflicts where restricting or recruiting may not be appropriate.	This means that the Conflict of Interest Declaration and Management Plan forbids the individual from taking part in or be present for: <ul style="list-style-type: none"> any discussion any decision. The Conflict of Interest Declaration and Management Plan may also remove an individual from an activity or project.
Recruit	An independent third party may be appointed to oversee the conflicted matter. They may be internal or external, but if internal, must not be a subordinate. Depending on the circumstances, this strategy could stand alone or be combined with another strategy such as restrict or remove.	An independent third party's role may include: <ul style="list-style-type: none"> providing probity advice assisting with risk mitigation overseeing any participation the individual with the Conflict of Interest has in the matter.
Relinquish/resign and resolve	Sometimes, a conflict of interest cannot be effectively managed via one of the above strategies. In such cases, the individual will need to relinquish their role (or their personal interest if possible).	At the sole discretion of the University, the Conflict of Interest Declaration and Management Plan may include the individual: <ul style="list-style-type: none"> taking leave performing modified duties or another role. resigning from their role/position or their contract being terminated.

Approval and Record keeping

(45) Once a [Conflict of Interest Declaration and Management Plan](#) has been developed or endorsed by a Reviewer, they must submit the [Conflict of Interest Declaration and Management Plan](#) to:

- the Chief People Officer (for non-research related matters) via AskHR Services.
- the Executive Director, Research Office (for research-related matters).

(46) Where the CPO/EDRO agrees with the [Conflict of Interest Declaration and Management Plan](#), they will approve it and it will be both stored locally with the Reviewer and provided to People & Culture (via an AskHR ticket) to store on the staff member's personnel file. Where the CPO/EDRO does not agree with the [Conflict of Interest Declaration and Management Plan](#), they will consult with the Reviewer to seek changes. Where agreement cannot be reached or the matter is considered particularly risky/sensitive, they will escalate the matter to:

- the Chief Operating Officer – in the case of non- research related matters; and
- the Deputy Vice-Chancellor (Research and Industry Engagement).

(47) If a Conflict of Interest cannot be managed within the University's risk appetite, it will be considered unacceptable to the University. The University retains the discretion to not approve a [Conflict of Interest Declaration and Management Plan](#), which may impact on the capacity of an individual to perform and continue their role as an officer, staff member, student, research or associate of the University.

Monitoring

(48) The primary responsibility to adhere to the [Conflict of Interest Declaration and Management Plan](#) rests with the individual who has a Conflict of Interest.

(49) The Reviewer must monitor the [Conflict of Interest Declaration and Management Plan](#) as specified in the document, as well as any changes in the Conflict of Interest (including as a result of changes to professional standards or regulatory developments), and if required, reassess the Management Plan.

Breaches or non-compliance

(50) Individuals covered by this Policy who fail to make a declaration of a Conflict of Interest or fail to comply with a requirement of a [Conflict of Interest Declaration and Management Plan](#) may be subject to disciplinary action leading to termination of their engagement with the University, or other appropriate action in accordance with the terms of their contractual engagement.

Concerns and advice

(51) All individuals covered by the Policy:

- a. may any raise questions; or
- b. must report any concerns about any Conflicts of Interests with their direct line manager or supervisor.

(52) If an individual is unable to discuss the Conflict of Interest with their line manager or supervisor due to the nature of the conflict, the matter should be escalated to their two-up manager or supervisor.

(53) Managers/supervisors may seek advice from:

- a. People & Culture in the case in non-research related matters via AskHR;
- b. the Research Office in the case of research related matter.

(54) An individual who wishes to make a complaint about a potential Conflict of Interest and who is seeking the statutory protections afforded by the [Public Interest Disclosures Act 2012 \(Vic\)](#) must make their complaint to the Independent Broad-based Anti-corruption Commission (IBAC) or the Victorian Ombudsman directly. The University's obligations in respect of a public interest disclosure are set out in the [Public Interest \(Whistleblower\) Disclosure Policy](#).

Part C - Gifts, Benefits and Hospitality

(55) The receipt of gifts, benefits and other hospitality can give rise to a Conflict of Interest. In a commercial context, gifts, benefits and hospitality are rarely offered without the expectation or hope of further business or a quid pro quo. As the University is a public agency and receives public funds, the highest level of integrity is expected from those individuals covered by this Policy to ensure public confidence in the University and its operations. Therefore, all individuals covered by this Policy should decline offers of gifts, benefits and hospitality related to their work with the University, subject to the limited exceptions outlined below.

(56) The University recognises that some situations may arise where it is not possible to decline an offer of a gift, benefit or hospitality. However, in all cases, the individual must ensure that the gift, benefit or hospitality is an expression of goodwill and not an expectation of a return favour.

(57) Receiving gifts, benefits and hospitality with a fair market value of A\$400 or less is generally permitted without seeking approval. However, good judgement must be exercised (i.e. no Conflict of Interest should arise as a result) and no gifts, benefits or hospitality at all are to be accepted from a prospective vendor when the University is going through a tender or similar process or one is to be undertaken soon.

(58) Receiving gifts, benefits and hospitality valued over A\$400 is not permitted unless there is an overriding business reason and the Member of the University has obtained the written approval of the Chief Operating Officer.

(59) Deliberately undervaluing a gift, benefit or hospitality to avoid reporting it or to fraudulently keep it may

constitute a breach of the Policy.

(60) In circumstances where individuals are representatives of the University at business, social, cultural or community events, and it would cause offence to decline an official gift, it is reasonable for official representatives of the University to accept an official gift on behalf of the University. These gifts should be managed under the [Gift Acceptance Policy](#) where possible.

(61) Occasionally University business partners may wish to take individuals out for a reasonably-priced meal or beverages to discuss business or they may provide occasional hospitality in connection with business. This is permitted if all the following criteria are met:

- a. no Conflict of Interest exists or could arise as a result;
- b. the value is less than \$400;
- c. the purpose of the invitation is to discuss or related to business; and
- d. the setting is conducive to business and consistent with community expectations.

(62) Members of the University must never accept:

- a. anything illegal;
- b. anything conditional on receiving something in return, like favourable business terms or an advantage in a tender process, often called a quid pro quo;
- c. cash or cash equivalents, like cheques, loans, stock, stock options, and gift certificates redeemable for cash;
- d. anything that is sexually oriented, offensive or inappropriate.

(63) Should Members of the University be uncertain about accepting a gift, benefit or hospitality, they should seek clarification from their manager/supervisor or the Chief People Officer/Executive Director, Research Office.

Part D - Declaration of Interests

Council and other University body meetings

(64) At each meeting of Council and other University bodies (i.e. a senate/board, committee or other body established under University legislation), the Chair must ask members whether they have any Interest to declare, including in respect of any item on the meeting agenda.

(65) A member of Council or a University body who has a Conflict of Interest (e.g. any interest in a matter being considered or about to be considered), must, as soon as practicable, declare it:

- a. in writing to the Chair prior to the meeting; or
- b. at the meeting (e.g. in circumstances where this is when the member first becomes aware of the Conflict of Interest).

(66) The Chair of the meeting must ensure that:

- a. a COI Declaration of Interest form is completed and follow the process in Part B the Conflict of Interest is appropriately managed; and
- b. if disclosed in advance of the meeting, the declaration:
 - i. is reported at the next meeting; and
 - ii. [Conflict of Interest Declaration and Management Plan](#) is recorded in the meeting minutes (see below and Part B for further information regarding Conflict Management Plans).

(67) After a Conflict of Interest is declared, unless the Chair otherwise directs, the [Conflict of Interest Declaration and Management Plan](#) must include the fact that:

- a. the member must not be present during any deliberation with respect to the relevant matter;
- b. the member is not entitled to vote on the matter; and
- c. if the member does vote on the matter, the vote must be disallowed.

(68) If the Chair has a Conflict of Interest, the Deputy Chair or another member must act as the Chair for the relevant matter.

Members of the Senior Executive Group

(69) In February of each year, members of the Senior Executive Group (SEG) will declare whether any of their personal interests compete with, could potentially compete with, or be reasonably perceived to compete with, the interests of the University (Yearly declaration).

(70) The Yearly Declaration will be in a prescribed format (COI Disclosure form) provided by People & Culture and will be held on the SEG member's personnel file.

(71) New members of SEG commencing after February each year shall complete the COI Disclosure form prior to attendance at their first SEG meeting.

Staff engaged in areas of work with a higher risk of conflict

(72) There are Divisions within the University which are considered to be at a greater risk of possible conflicts of interest (potential conflict Division). These include:

- a. La Trobe Advancement;
- b. Industry Engagement;
- c. Government Relations;
- d. Procurement;
- e. Future Growth;
- f. staff involved with program management within Information Services and Asset Transformation;
- g. staff involved with contracts management associated with Facilities and Services for the University;
- h. staff involved with fundraising activities within La Trobe Advancement;
- i. staff undertaking industry facing or business development activities within the Research and Industry Engagement portfolio; and
- j. any other area confirmed by SEG to be a potential conflict Division.

(73) Members of staff who work in a potential conflict Division will complete a COI Disclosure form in February each year which shall be held locally at team level in accordance with local filing practices. Staff who commence after February each year in a potential conflict Division shall complete the COI Disclosure form within one month of their commencement.

Section 7 - Definitions

(74) Nil

Section 8 - Authority and Associated Information

(75) This Policy is made under the [La Trobe University Act 2009](#).

(76) Associated information includes:

- a. [Conflict of Interest Declaration and Management Plan](#)

Status and Details

Status	Current
Effective Date	6th June 2025
Review Date	6th June 2028
Approval Authority	Vice-Chancellor
Approval Date	6th June 2025
Expiry Date	Not Applicable
Responsible Manager - Policy	Regan Sterry Chief People Officer
Enquiries Contact	People & Culture +61 3 9479 1234

Glossary Terms and Definitions

"staff" - Staff means any person employed by the University as per the definition in the La Trobe University Act 2009 (Vic).