
Procedures for Managing Conflicts of Interest

1. Purpose

- 1.1 The purpose of this Procedure is to give effect to the [Conflicts of Interest Statute](#) (the Statute) by specifying processes to be followed in declaring and managing Conflicts of Interest.

2. Application of Procedure

- 2.1 This Procedure applies to all Members of the University Community.

Procedure Content

3. Registers of Potential Conflicts of Interest (Interests Registers)

- 3.1 Members of Te Rūnanga – the University Council and Council Committees must disclose any interests that may foreseeably lead to a Conflict of Interest at some point in the future to the Secretary to Council (or their delegate).
- 3.2 The Secretary to Council (or their delegate) must maintain a register of all the interests declared by Members of the University Council and Council Committees. The relevant Interests Register must be circulated at each meeting of the Council or Council Committee.
- 3.3 Members of the Senior Leadership Team must disclose any interests that may foreseeably lead to a Conflict of Interest at some point in the future to the Executive Assistant and VC Office Manager (Office Manager), or their delegate.
- 3.4 The Office Manager (or their delegate) must maintain a register of all the interests declared by the Senior Leadership Team.
- 3.5 These Interests Registers must be updated when new declarations or amendments are made. In addition, an annual review must be conducted to check whether there are any new interests to declare.

4. Disclosing and Managing Specific Conflicts of Interest

- 4.1 Specific statutory requirements apply to the Council and its Committees in relation to Conflicts of Interest. These are set out in [clause 8 of Schedule 11 of the Education and Training Act 2020](#) and are reflected in the Council's Standing Orders. These requirements must be followed in all cases. Key provisions are summarised below in clause 4.2, however users should always refer to the statutory wording.
- 4.2 Where a Member of the University Council or a Council Committee makes a disclosure of interest about a specific matter being discussed in a formal meeting setting, how the situation will be handled must be decided by a majority of the votes by the members present (unless the Chancellor has previously determined that there is no conflict). As a consequence of the voting, decision-makers may reach the view that –
- (a) there is no Conflict of Interest;
 - (b) although there is a Conflict of Interest, the individual's presence in the meeting, participation in the discussion, and voting on the item to which the conflict applies is permissible (for example, because the interest is held in common with the public generally, or among members of the group who elected the individual);

Note: In addition, the member in question may be allowed to speak as part of the discussion on the subject matter or participate in the meeting purely in an observer capacity without being allowed to speak or vote.

- (c) there is a Conflict of Interest and the member in question must neither be present in the meeting nor take part in any decision with respect to that matter.
- 4.3 Where a Conflict of Interest arises for a member of the University Council or a Council Committee outside of a formal meeting setting, the conflict must be declared to the Manukura – Chancellor, who will determine any measures that may need to be taken to manage the conflict.
- 4.4 Where a Conflict of Interest is being declared by a Member of the University Community who is not a member of the University Council or a Council Committee, the conflict should normally be disclosed to their manager. However, if the Conflict of Interest arises from an intimate relationship in terms of the [Intimate and Close Personal Relationships Policy](#), they may disclose the conflict to their manager or a Human Resources advisor.
- 4.5 The person who receives the disclosure must record a file note of the disclosure and should seek guidance from a Senior Manager (through the line management chain) to determine the steps to be followed to manage the conflict. A file note should record the steps followed, and the status of the conflict should be reviewed by the person who receives the disclosure at least once annually. Factors relevant to determining the steps to be followed will include the seriousness of the Conflict of Interest, the level of risk it gives rise to, and the range of possible mitigation options.
- 4.6 In such cases, the steps to be followed could include (without limitation):
 - (a) no action required, either because there is no conflict or because any conflict is sufficiently minor;
 - (b) declaration of the conflict and ensuring it is communicated to others involved in any relevant process or activity;
 - (c) seeking agreement from all affected parties to the individual's involvement;
 - (d) providing additional oversight or supervision of the individual;
 - (e) exclusion of the individual from any relevant process or activity, or from receiving specific information.
- 4.7 In relation to academic supervision and assessment of students, staff members are required to disclose to their Head of School any personal or financial relationship, and where such a relationship exists, shall not normally have any assessment responsibility, nor act as supervisor nor, as the case may be, a joint supervisor or advisor of the student.

5. Examples of Conflicts of Interest

Note: The examples below are not comprehensive and are intended for illustrative purposes only. Whether a particular interest amounts to a Conflict of Interest in any particular case requires judgment in light of the circumstances.

- 5.1 Members of the University Community have, or are likely to have, a Conflict of Interest if –
 - (a) they are employed by a company or are a director or owner or controller of a company, or have shares in a company, which is seeking to do business with the University. The same applies if a partner, close relative, or close friend is employed by a company, or is a director or owner of a company, which is seeking to do business with the University;
 - (b) they are involved in a discussion relating to the setting of fees for services from which income would be received if they provided those services. There is also a conflict of interest if a partner, close family member, or close friend would receive income or other benefits from the services;

- (c) they are participating in a process, decision or exercise of discretion that relates to a person who is their partner, close relative, or close friend;
 - (d) they are a consultant, director, shareholder, or employee of, or to, a third party in some current or proposed relationship with the University;
 - (e) they are providing professional advice or services to a third party in some current or proposed relationship with the University;
 - (f) they are involved in another organisation which is active in the same sphere of activity as the University, or that has control over the allocation or awarding of research funding, receivable by the University or any other benefit flowing to the University;
 - (g) they have received gifts (including loans of money or property) from a party seeking academic or other advancements in the University, to do business with the University, or that party provides services which compete with those provided by the University;
 - (h) they are involved in considering an appointment, scholarship, or other matter for which a partner, close relative or close friend is an applicant or candidate;
 - (i) they are involved in supervising/teaching/examining/grading a student with whom they have some other connection, including an intimate or close personal relationship;
- Note: The University's Intimate and Close Personal Relationships Policy which prohibits intimate relationships with students for whom a staff member has a direct responsibility is also relevant to such situations.*
- (j) they are involved in decision-making where they have a predetermined view on the issue.

6. Definitions

In this Procedure, unless the context otherwise requires:

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| Conflict of Interest | has the meaning given in the Statute. |
| Members of the University Community | has the meaning given in the Statute. |
| Predetermination | has the meaning given in the Statute. |

Related Documents and Information

7. Related Documents

[Education and Training Act 2020](#)
[Victoria University of Wellington Act 1961](#)
[Conflicts of Interest Statute](#)
[Intimate and Close Relationships Policy](#)

8. Document Management and Control

Essential Record

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| Approver | Tumu Whakarae – Vice-Chancellor |
| Approval Date | 18 September 2023 |
| Effective Date | 18 September 2023 |
| Next Review Date | 18 September 2026 |
| Policy Sponsor | Tumu Whakarae – Vice-Chancellor |
| Policy Owner | General Counsel |

Modification History

| Date | Approval Agency | Details |
|-------------------|----------------------|-------------------------------|
| 18 September 2023 | Te Rūnanga – Council | Full review. Major Amendment. |