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## Conflicts of Interest Statute

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### 1. Purpose

- 1.1 This Statute aims to set out the principles for the identification, disclosure, and management of Conflicts of Interest to safeguard the integrity of decision-making and other work processes at Te Herenga Waka – Victoria University of Wellington (the University) and its subsidiaries.

### 2. Application of Statute

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

## Statute Content

### 3. Principles

- 3.1 Maintaining a policy and cultural framework that allows for the effective and transparent handling of actual, potential, or perceived Conflicts of Interest is of prime importance for the University. This is not only a matter of legal compliance and institutional reputation for the University but also a matter of demonstrating the principle of Kaitiakitanga and putting its core values of respect, responsibility, fairness, integrity, and empathy into practice at all levels of decision-making.
- 3.2 To this end, the University is committed to ensuring that –
- (a) its policies and practices are legally compliant, maintained to applicable best practice standards and consistent with the values of the University, and the principles reflected in the [Te Tiriti o Waitangi Statute](#) and the [Equity, Diversity and Inclusion Framework](#);
  - (b) there are mechanisms in place for recording, monitoring, reporting, and managing Conflicts of Interest;
  - (c) Members of the University Community are provided with easy and convenient access to all relevant information (including procedures on how to disclose Conflicts of Interest);
  - (d) it fosters a workplace culture where matters concerning Conflicts of Interest are given careful consideration in all University business and activities; and
  - (e) decisions made at all levels are justifiable on objective grounds.

### 4. Identifying Conflicts of Interest

- 4.1 In simple terms, a Conflict of Interest exists in situations where the objectivity or impartiality of a Member of the University Community may, or may be perceived to be, compromised because their personal, financial, or other interests and commitments conflict with the responsibilities associated with their role at the University.
- 4.2 Conflicts of Interest (including potential or perceived Conflicts of Interest) arise, or are likely to arise, in situations where a Member of the University Community is engaged in any academic, research, human resources, finance, procurement, and operational matter that does or may –
- (a) involve or affect themselves, their partner, close family member, or close associate;
  - (b) involve or affect an external organisation with which they, their partner, close family member, or close associate have an employment, shareholder, or other form of commercial or non-commercial relationship; or

- (c) concern an issue they have strong predetermined views about.

*Note:* *Examples of situations where Conflicts of Interest arise, or are likely to arise, are listed in the [Procedures for Managing Conflicts of Interest](#).*

## 5. Disclosing Conflicts of Interest

### 5.1 Disclosing Potential Conflicts of Interest

- (a) Members of Te Rūnanga – the University Council and its Committees are required to disclose interests which may foreseeably lead to a Conflict of Interest at some point in the future. Any such interests disclosed are recorded in an Interests Register and maintained in accordance with the Procedures for Managing Conflicts of Interest (the Procedure).
- (b) Members of the Senior Leadership Team (and any other Member of the University Community identified by the Tumu Whakarāe – Vice-Chancellor) are required to disclose interests which may foreseeably lead to a Conflict of Interest in the future. Any such interests disclosed are recorded in an Interests Register and maintained in accordance with the Procedure.
- (c) The purpose of the Interests Register is to make it easier to identify, declare and manage Conflicts of Interest as they arise. Declaration of an interest, and inclusion in the Interests Register, is not a substitute for disclosing any specific Conflict of Interest, and the relevant Member of the University Community remains responsible for disclosing any such conflict.
- (d) Other Members of the University Community must remain alert to interests which may foreseeably lead to a Conflict of Interest in the future and are encouraged to discuss any such interests with their manager.

### 5.2 Disclosing Conflicts of Interest Once They Have Arisen

- (a) Specific statutory requirements apply where Conflicts of Interest arise at the University Council and its Committees ([Schedule 11, clause 8 of the Education and Training Act 2020](#)). These requirements are discussed in more detail in the Procedures.
- (b) In all other cases (including but not limited to academic supervision/assessment and employment matters), Members of the University Community must remain alert to Conflicts of Interest and promptly inform the University in writing via their manager when a Conflict of Interest arises. Responsibility for declaring a Conflict of Interest rests with the Member of the University Community to whom the conflict relates.
- (c) Once a Conflict of Interest has been disclosed, the relevant Member of the University Community may not participate in any activity or decision relating to the subject of the conflict until a decision is made on how the conflict will be managed.

*Note:* *Any personal information associated with a disclosure of a Conflict of Interest must be maintained in accordance with the University's [Privacy Notice](#).*

## 6. Managing Conflicts of Interest

6.1 Specific statutory requirements apply where Conflicts of Interest arise at the University Council and its Committees ([Schedule 11, clause 8 of the Education and Training Act 2020](#)). These requirements are discussed in more detail in the Procedures.

6.2 In all other cases, responsibility for deciding how to manage a Conflict of Interest rests with the manager of the relevant Member of the University Community or another person or group designated in accordance with this Statute and accompanying Procedure. The group or individual responsible for deciding how the conflict will be managed has a number of options as set out more fully in the Procedure. Factors relevant to decision-making include the seriousness of the conflict, the level of risk the conflict gives rise to, and the range of possible mitigation options.

## 7. Undeclared Conflicts of Interest

- 7.1 If a Member of the University Community becomes aware of an undeclared Conflict of Interest held by another Member of the University Community, they have a responsibility to report the matter to a Senior Manager. The Senior Manager receiving the report shall take steps to ensure that –
- (a) the Conflict of Interest, if any, is managed in accordance with this Statute; and
  - (b) any material non-compliance is handled in accordance with Clause 8 of this Statute.
- 7.2 To the extent it is applicable, a Member of the University Community reporting an undeclared Conflict of Interest shall be protected by the [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#). More information on protected disclosures is available in the University's [Whistleblower Policy](#).

## 8. Breaches

- 8.1 Any alleged breach of this Statute will be handled in accordance with the [Staff Conduct Policy](#) and the principle of Whakaoranga as defined under the University's [Te Tiriti o Waitangi Statute](#).

## 9. Related Matters

- 9.1 Members of the University Community must note that the University has an additional [Intimate and Close Personal Relationships Policy](#) that prohibits them from initiating, entering into and/or being in an intimate relationship with a student that they have direct responsibility for, or involvement in that student's academic studies, and/or where they are assigned specific direct responsibilities related to the emotional safety and wellbeing of the student.
- 9.2 Members of the University Community should note that the University has an additional [Entitlement to Undertake Private Work Policy](#), which covers a wide range of interactions with third parties. Compliance with this Policy supports the minimisation and management of Conflicts of Interest.

## 10. Definitions

In this Statute, unless the context otherwise requires:

Conflict of Interest	refers to a situation where someone is or may be, or may be perceived to be, compromised because their personal or professional interests or obligations, conflict, or may be perceived to conflict, with the responsibilities of their job, role, or position. It means that their objectivity or impartiality could be called into question.
Members of the University Community	refers to members of the Victoria University of Wellington Council; members of University committees; board members or trustees of subsidiaries; staff members of the University or a subsidiary; independent contractors to the University or a subsidiary; adjunct and visiting staff; visiting scholars and interns; professors emeriti; and anyone else carrying out University business. In the context of this Statute, it does not include students.
Kaitiakitanga	means the active protection of Māori rights and interests through honourable conduct, fair processes, robust consultation, and good decision-making. In

	<p>the context of the University, this means actively protecting Māori student, staff and stakeholder rights and interests in relation to University activities.</p>
Predetermination	<p>refers to a situation where someone has already formed a final view on a matter before a meeting, or other relevant decision process, has occurred. This would be the case where someone has a closed mind or fixed position and is not willing to fairly consider all relevant information and arguments. Predetermination does not occur simply because someone has, or states, a strong view before a meeting, provided they maintain a willingness to consider other points of view.</p>
Senior Manager	<p>means the Chancellor, the Vice-Chancellor, members of the Senior Leadership Team, Deans, Heads of Schools, and Central Service Unit Directors.</p>
Whakaoranga	<p>refers to the need to make things right and provide for the effective resolution of Māori grievances. In the context of the University, this means actively addressing any inequities for Māori across the institution.</p>

## Related Documents and Information

### 11. Related Documents

[Education and Training Act 2020](#)  
[Employment Relations Act 2000](#)  
[Human Rights Act 1993](#)  
[Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)  
[Victoria University of Wellington Act 1961](#)

[Gift and Koha Policy](#)  
[Entitlement to Undertake Private Work Policy](#)  
[Intimate and Close Relationships Policy](#)  
[Procedures for Managing Conflicts of Interest](#)  
[Staff Conduct Policy](#)  
[Whistleblower Policy](#)  
[Te Tiriti o Waitangi Statute](#)

**12. Document Management and Control***Essential Record*

Approver	Te Rūnanga – Council
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Policy Owner	General Counsel

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Date	Approval Agency	Details
18 September 2023	Te Rūnanga – Council	Full review. Major amendment.
17 October 2023	Tumu Whakarae – Vice-Chancellor	Minor amendment. New definition added to the Policy and its supporting Procedure.