

Conflict of Interest Risk Assessment Considerations

The following table details factors to consider when conducting a conflict of interest risk assessment. This list is a guide only and you may need to consider other factors relevant to the interest and/or business activity.

SOURCE OF RISK	FACTORS TO CONSIDER
<p>Disclosure of the personal interest/relationship and potential conflict</p>	<ul style="list-style-type: none"> ▪ Was the interest disclosed by the interest holder? <i>Does the individual recognise the interest as a conflict of interest?</i> ▪ Has the individual provided sufficient information about the interest? Have they withheld information?
<p>Nature of the personal interest</p>	<ul style="list-style-type: none"> ▪ What type of personal interest is it? <ul style="list-style-type: none"> ○ <i>Outside work; business interests; commercialisation; board membership; shares or investments; intellectual property; personal contracts or agreements; donations or philanthropy; loans or debts; other</i> ▪ What is the value of the personal interest? <i>Generally, the greater the size of the financial gain, the more probable the influence.</i> ▪ How does the value of the personal interest compare to the value of the primary interest? <i>Is it greater than the value of the primary interest?</i> ▪ Does the personal interest augment the person's income? ▪ What other benefits does the personal interest provide to the individual or their close personal relationships? ▪ Is any financial gain paid directly to the individual or via the University? <i>Money paid directly to the individual is generally of higher risk.</i> ▪ How long has the personal interest been held? Is it current? <i>Generally, the longer the duration of a personal interest, the greater the risk of undue influence. Similarly, if it is a current interest, the risk is greater.</i> ▪ How closely is the personal interest held? Is it held by them directly, by a close family member, or other? <i>Generally, the more closely the personal interest is held, the more probable the influence. Note however, some interests may be structured to create distance and to obfuscate financial benefits.</i> ▪ Are there multiple personal interests at play? ▪ Is there complexity or obfuscation with the personal interest? ▪ What obligations are associated with the personal interest? Do these conflict with the individual's University obligations? ▪ Does the personal interest align with the values of the University? Does it compete or conflict with the University's mission and values? ▪ How easily could the personal interest be favoured in the context of the individuals' duties or activities? ▪ How much could the personal interest be favoured?

<p>Nature of the personal relationship</p>	<ul style="list-style-type: none"> ▪ What type of relationship is it? <ul style="list-style-type: none"> ○ <i>Familial relationships: including parents, partner, siblings, nieces, nephews, mixed families, spouse/partners family;</i> ○ <i>Other close personal relationships: close friends, long-term colleagues, intimate personal relationships.</i> ○ <i>Financial relationships: commercial relationships, business partnerships.</i> ○ <i>Clubs/associations/organisations: sporting, social, community, or recreational groups.</i> ○ <i>Significant negative relationships: including ex-spouses, subjects of allegations/complaints.</i> ▪ How close is the personal relationship? <i>Generally, familial or intimate relationships will have greater influence.</i> ▪ What is the duration of the relationship? <i>Generally, the longer the duration of the relationship, the more probable the influence.</i> ▪ Does the relationship involve a student? <i>Relationships with students should be assessed as higher risk.</i>
<p>Nature of the personal benefit</p>	<ul style="list-style-type: none"> ▪ What type of benefit is it? <ul style="list-style-type: none"> ○ <i>Financial (grants or funding)</i> ○ <i>Gifts, accommodation, travel or hospitality</i> ○ <i>Memberships, discounts or incentives</i> ○ <i>Waiving of fees or penalties</i> ▪ What is the value of the benefit? <i>Generally, the greater the size of the financial gain, the more probable the influence.</i> ▪ How does the value of the benefit compare to the value of the primary interest? ▪ What is the duration of the benefit? Is it a one-off or ongoing benefit? <i>Ongoing benefits increase the scope and therefore risk of undue influence.</i>
<p>The activities of the impacted business unit, division or college</p>	<ul style="list-style-type: none"> ▪ Is the area of work or organisational function high-risk? High-risk areas include but are not limited to: <ul style="list-style-type: none"> ○ <i>Research activities</i> ○ <i>Commercialisation of University intellectual property</i> ○ <i>Contracting and procurement</i> ○ <i>Staff recruitment or promotion</i> ○ <i>Student admissions, appeals, credit applications</i> ○ <i>Student facing areas</i> ○ <i>Higher Degrees by Research (HDR) programs</i> ○ <i>Where significant amounts or sensitive information is collected and used</i> ○ <i>Exercising financial and other delegations</i> ○ <i>Alumni, philanthropy and donations</i> ○ <i>Marketing and sponsorships, to or from the University.</i> ▪ What work responsibilities of the employee could be influenced or affected by the conflict? ▪ What is the potential impact on the operations of the wider business unit, division or school?

<p>The particular project, transaction or activity</p>	<ul style="list-style-type: none"> ▪ What is the amount of funds involved? <i>The larger the amount, and the greater the potential impact. Consider the amount (if any) of public funds.</i> ▪ Is this a high-risk project/transaction or activity with equivalent expectations for high levels of probity and due diligence? ▪ What sensitive and/or confidential information is involved / available? ▪ Is there a history of failures in similar projects, transactions or activities? Have there been conflicts of interest? <i>This increases the likelihood of occurrence and therefore the risk.</i> ▪ To what degree does the project/activity rely on external suppliers or third parties? ▪ What would be the potential impact on delivery of services? ▪ What is the potential impact on health and safety? ▪ Is this project, transaction or activity particularly susceptible to corruption, foreign interference, fraud or noncompliance?
<p>The extent of the person’s involvement and their ability to influence</p>	<ul style="list-style-type: none"> ▪ What level of authority and discretion does the individual have in terms of decision-making? ▪ Does the person have complete ownership and control of the activity, transaction or project or are they a minor player? <i>The greater the control, the greater the risk.</i> ▪ What ability does the person have to influence others in the process? ▪ Does the person hold delegated authority? ▪ What access to information and systems do they have? Could they use any of this information for personal gain? ▪ How transparent is the purpose, governance, interactions and/or partnerships? ▪ What accountability measures in terms of decisions and actions are in place? Is there any independent review? ▪ Is the person in a position to offer an advantage or disadvantage the person whom with which they have a personal relationship / someone related to their personal interest?
<p>Other deviations from process or probity issues</p>	<ul style="list-style-type: none"> ▪ Has the project or matter already deviated from procedure or is there an existing probity issue? <i>e.g. direct negotiation or late tender.</i> ▪ Was the individual who holds the interest involved in the deviation? ▪ What controls are already in place? ▪ What is the individual’s understanding of their compliance obligations?

<p>Potential consequences if personal interest/relationship/benefit is favoured</p>	<ul style="list-style-type: none"> ▪ Are there potential reputational or ethical risks to the University associated with the collaboration or activity? To what extent could this damage the University brand? ▪ Could this result in loss of public trust? ▪ Is there potential for legal action and/or referral to NSW ICAC or an equivalent body for investigation? ▪ Could this result in delays to the project/activity and/or interruptions to service delivery? ▪ What is the potential financial impact (including mitigation costs)? ▪ Is there potential for foreign interference? (see below)
<p>Potential for foreign interference</p>	<ul style="list-style-type: none"> ▪ Does the personal interest, relationship or benefit involve a foreign entity? ▪ What potential is there for research outputs, activities, collaborations, or intellectual property to be compromised or influenced by foreign actors? ▪ What potential is there for collaborators, partners, agents, funding bodies, sponsors or others to influence outcomes, thinking, decision making, or outputs of research or education activities in a coercive, corrupting, deception, or clandestine manner? ▪ Is the person involved in sensitive research or research involving goods/technologies listed on the Defence and Strategic Goods List (DSGL)? ▪ Is the person who holds the conflict involved in registrable activities (i.e. lobbying on behalf of a foreign government, or activities for the purpose of political or governmental influence?
<p>Public perception</p>	<ul style="list-style-type: none"> ▪ Is the matter one of significant public interest? <i>Is it controversial and likely to attract significant public, media or political attention?</i> ▪ What would a fair-minded member of the public think of the situation? ▪ Would they think the proposed risk mitigation strategy alleviates any doubts about the integrity of the employee or that of the organisation? ▪ Would it be difficult to defend and justify actions and/or involvement if questioned publicly?
<p>Duration of the conflict</p>	<ul style="list-style-type: none"> ▪ How often will the conflict arise in the employee’s work duties and for how long? <i>For example, regularly, for the duration of a particular project, short term, long term or ongoing? This question will also help you determine how often to review the Conflict of Interest Management Plan.</i>