
Conflicts of Interest Policy and Procedure



Responsible Office	University Secretary's Office
Responsible Officer	University Secretary
Approving Authority	Board of Governors
Date of Approval	[15 April 2021]
Effective Date	[15 April 2021]
Related Procedures	Financial Regulations
Related University Policies	Anti-Fraud, Bribery and Corruption Policy Gifts and Hospitality Policy Consultancy Policy
Amended (if applicable)	n/a
Supersedes	(New)
Next review due	April 2026

1. Purpose

- 1.1. This document sets out Bath Spa University's approach to the management of conflicts of interest. The fact that the University has adopted this policy and procedure does not in any way cast doubt on the integrity or professionalism of the University's employees. Rather it recognises that the University wishes to give a great deal of freedom to employees to engage in external activities, but in so doing needs to put in place a mechanism to protect its employees, and itself, from reputational damage and other liabilities.
- 1.2. The most important message in the University's conflict of interest policy and procedure is that staff should always disclose an activity in advance if they are in doubt about whether it represents a conflict of interest.
- 1.3. Bath Spa University has a high profile in the locality and is a major player in many regional initiatives. If an employee is engaging or seeking to engage in any activities or potential activities involving bodies/organisations in the locality that could create an apparent or potential conflict, this must be disclosed immediately.

2. Policy Statement

- 2.1. Bath Spa University encourages members of its staff to engage in a wide variety of external activities (be these paid or unpaid). The traditional academic roles, such as teaching and supervising students and conducting grant-funded academic research, are often supplemented by commercial collaborations including consultancy, commercial research and development.
- 2.2. The University recognises that involvement in such external activities carries many advantages to the University and the individuals concerned. However, on occasion, they may give rise to conflicts of interest, whether *potential* or *actual*, *perceived* or *alleged*.
- 2.3. Therefore, all University staff are required to recognise and disclose, where possible in advance, activities that might give rise to conflicts of interest or the perception of conflicts and to ensure that such conflicts are seen to be properly managed or avoided.
- 2.4. If properly managed, activities can usually proceed as normal whilst at the same time upholding the person's obligations to the University, meeting regulatory and other external requirements and protecting the integrity and reputation of the University and its members.
- 2.5. By contrast, conflicts which are not managed effectively may jeopardise the University's public standing and may cause serious damage to the reputation of the University and of the individuals concerned. This may give rise to the individual having to cease the activity concerned.
- 2.6. It is therefore the University's policy to encourage and foster external activities whilst ensuring that when conflicts or perceived conflicts of interest arise they are identified and disclosed, and in relevant cases, appropriately managed. In every instance, the University reserves the right to make a determination in light of its best interest.

3. Scope

- 3.1. This policy applies to all members of the University, including staff, external committee members, consultants and volunteers. A reference in this policy to staff includes any person within the scope of the policy.
- 3.2. It is the responsibility of each individual to recognise situations in which they have or may have a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to their line manager and through them to the Head of School or Department.
- 3.3. If an individual is uncertain about how this policy might affect their activities or has any questions about its application, they should contact their line manager.

4. Recognising conflict of interest

- 4.1. A conflict of interest arises where the commitments and obligations owed by an individual member of staff to the University or to other bodies are likely to be compromised, or may appear to be compromised, by:
- that person's personal gain, or gain to immediate family (or a person with whom the person has a close personal relationship), whether financial or otherwise; or
 - the commitments and obligations that person owes to another person or body.
- 4.2. There can be situations in which the appearance of a conflict of interest is present even when no conflict actually exists. Therefore, it is important for all staff when evaluating a potential conflict of interest to consider how it might be perceived by others.
- 4.3. The duty to declare a possible conflict applies to the perception of the situation rather than the actual existence of a conflict. However, the duty is not breached if the situation cannot reasonably be regarded as likely to give rise to a conflict of interest.
- 4.4. Conflicts of interest may be financial or non-financial or both. Further information about both types is set out below. Some non-exhaustive examples are provided at **Appendix A** for guidance purposes.

5. Financial conflict of interest

- 5.1. A financial conflict of interest, for the purposes of this policy, is one where there is or appears to be opportunity for personal financial gain, financial gain to close relatives or close friends, or where it might be reasonable for another party to take the view that financial benefits might affect that person's actions or judgements.
- 5.2. Financial interest means anything of monetary value, for example:
- Payments for goods or services;
 - Equity interests (e.g., stocks or other ownership interests);
 - Resources and assets, including equipment and facilities;
 - Intellectual property rights (e.g., payment of royalties).
- 5.3. The level of financial interest is **not** the determining factor as to whether a conflict should be disclosed. What might be 'not material' or 'not significant' for one person might be very significant for another. Good practice in many situations will mean the disclosure of 'any' financial interest, however small. A conflict will arise if the interest might provide, or be reasonably seen by others, to provide an incentive to the individual which affects their actions/judgements and where they have the opportunity to affect a University decision or other activity (because, for example, they are the decision-maker).

6. Non-financial conflict of interest

- 6.1. Non-financial interests can also come into conflict, or be perceived to come into conflict, with a person's obligations or commitments to the University or to other bodies, for example a body for which the individual is a trustee. Such non-financial interests may include any benefit or advantage, including, but not limited to, direct or indirect enhancement of an individual's career, education or gain to immediate family (or a person with whom the person has a close personal relationship).

7. Procedure

- 7.1. It is the duty of every member of staff to accurately and promptly disclose:

- A change in status of an existing actual, perceived, or potential conflict of interest;
 - A new actual, perceived, or potential conflict of interest.
- 7.2. Apparent or perceived conflicts of interest can be as damaging as actual conflicts of interest. Staff should consult their line manager if they are uncertain about whether a situation or activity presents a conflict of interest. The line manager shall evaluate the activity or situation and will normally be best placed to advise on the most appropriate course of action, in consultation with the relevant Head of School or Department.
- 7.3. The general rule is that disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived, in writing to the line manager. If the line manager has an interest in the matter to be discussed, the disclosure shall be made directly to the person at the next higher level of authority. In most cases this will be to the relevant Pro Vice-Chancellor or equivalent. Where the interest is of relevance to the business of the Board of Governors or one of its committees (including, for example, due to the seniority of the individual and/or nature of the activity), the disclosure shall be made to the Chair of the Board of Governors and to the University Secretary.
- 7.4. Disclosure in all cases shall include the type of potential conflict of interest, the nature of the activity, a description of all parties involved and any other information which the employee feels necessary to evaluate the disclosure.
- 7.5. Many situations will require nothing more than a declaration and a brief written record of that declaration.
- 7.6. Some instances will however need to be dealt with by agreeing how the conflict can be actively managed to eliminate the conflict, safeguard against prejudice toward University activities and provide continuing oversight. The approach adopted should be documented in a management plan and copies provided to the relevant parties. One or more of the following strategies may be appropriate to manage the conflict of interest:
- Not taking part in discussions of certain matters;
 - Not taking part in decisions in relation to certain matters;
 - Referring to others certain matters for decision;
 - Resolving not to act as a particular person's supervisor;
 - Publishing a notice of interest;
 - Standing aside from any involvement in a particular project;
 - Declaring an interest to a particular sponsor or third party.
- 7.7. Some instances will be refused, where the apparent or perceived conflict of interest is deemed so serious that it cannot be effectively managed.
- 7.8. It is the responsibility of those affected to comply with the approach that has been agreed.
- 7.9. There may however be some particular instances where the general procedure is varied and further specific steps are required such that approval is obtained not only from the line manager and Head of School or Department, but from a senior officer or body of the University.
- 7.10. External committee members and consultants to the University are also required to divulge any personal or family financial holdings or situations that could create a conflict of interest and/or introduce bias into their professional judgement. Such disclosures should be made to the relevant senior member of staff responsible for contracting for the service on behalf of the University, and appropriate determination shall be made on the management of any conflict.
- 7.11. Failure to follow the procedure set out in this policy or failure to comply with any stipulated management plan for managing the disclosed conflict will be considered a serious matter and may lead to disciplinary action being taken against the individual.

APPENDIX A – EXAMPLES

This list is not meant to be exhaustive. The primary obligation rests with the individual to recognise situations in which they potentially have a conflict of interest and to disclose and discuss that conflict to their line manager.

1. The researcher has a financial interest in the company sponsoring the research, this being exacerbated if the value of the researcher's interest may be affected by the outcome of the research.
2. A staff member takes part in the negotiation of a contract between the University and a company, where the staff member or their family or a close personal friend has a financial or non-financial (eg, a directorship) in that company.
3. A part-time employee is responsible for recruitment of continuing education students in his department. He also works part-time with similar responsibilities for another university in the region.
4. A member of staff, while serving as a consultant to an external organisation has access to privileged information from a colleague. The staff member wishes to supply that information to the external organisation in the belief that it has commercial value.