



ROBERT GORDON UNIVERSITY ABERDEEN

Conflict of Interest Policy

Approved by	Staff Governance Committee		
Date approved	May2019	Status	Final
Policy owner	Director of Human Resources	Impact assessed	Yes
Version	6	Date of next review	May 2024

PURPOSE

The purpose of this policy and its accompanying guidance is to identify situations where a conflict of interest may arise and to outline the procedures which the university will put in place to manage those situations

INTRODUCTION

Conflict of interest refers to situations in which personal interests (which may include financial interests) may compromise, or have the appearance of, *or potential for*, compromising professional judgement and integrity and, in doing so, the best interests of the University.

The university recognises that it is unrealistic to completely eliminate the potential for conflicts of interest and so arrangements are necessary for dealing with them when such conflicts arise.

The university however also considers that the establishment of relationships between its employees and outside bodies – whether government departments, commercial entities, industry, or others – is not only in the public interest but also benefits the university and the individuals concerned. However it is possible that such relationships may give rise to actual or potential conflicts of interest and this makes appropriate arrangements for handling such conflicts particularly important.

Staff must avoid placing themselves in a position where there is an actual *or potential* conflict between their personal and/or 'outside' interests and their duties to the University. The *appearance* of conflict must also be avoided.

SCOPE OF THE POLICY

This policy applies to all employees on Grades 7 – 10, SMG grades and Professorial grades (or equivalent), regardless of hours of work or contractual status.

This document should be read in conjunction with the guidance notes which accompany it, the university Ethics Policy (including research ethics), and the university Consultancy Policy.

Members of staff in material breach of these and other related policies, may, in certain circumstances, be subject to discipline.

WHAT CONSTITUTES A CONFLICT OF INTEREST

Any material interest, either directly or through a business partner, spouse, civil partner, (unmarried) partner or close relative, in matters likely to be considered by RGU as an actual or potential conflict of interest. Such declarations must describe the interest clearly and state whether it carries either direct or indirect financial or other interests.

Relevant interests in this context are:

- All directorships, partnerships, consultancies, trusteeships, appointments and other positions, including non-executive directorships which you hold
- All directorships, partnerships, consultancies, trusteeships, appointments and other positions, including non-executive directorships or employment by, public or private companies likely or possibly seeking to do business with RGU, whether remunerated in any way or not.
- Any shareholdings in public or private companies, or ownership or part-ownership of, or employment by, organisations, businesses, contractors or consultancies, likely or possibly seeking to do business with RGU.
- Other remunerated or honorary positions and other connections with HE institutions which may give rise to a conflict of interest, including relevant external government or public committees, such as Research Councils, charities, Government Departments, professional bodies and training organisations.
- Ownership or part ownership in property on, or in the vicinity of, RGU campuses, excluding normal place of residence.
- Representational or other non-financial interests in areas covering RGU (e.g. positions on voluntary bodies which may involve a lobbying role, election as a Councillor or MP/MSP/MEP etc).
- Any other matters which, in the context of a member of staff's employment at RGU, could cause significant and/or serious embarrassment and/or reputation harm to RGU. Examples might include certain types of past, current or prospective civil proceedings or investigations and/or past, current or prospective, actual or potential criminal proceedings or investigations. Spent convictions need not be disclosed in the annual declaration.

This list is not exhaustive and there may be other circumstances which could give rise to an actual or potential conflict of interest.

PROCEDURES APPLYING TO PROFESSORS AND EMPLOYEES ON GRADES 7-10

New Appointments

All new appointments made in these categories of employees must make a first declaration at the time of initial employment with RGU. This shall be a mandatory pre-employment requirement and the declaration shall be screened by the employing manager for acceptability, which will require positive acceptance, acceptance with conditions, or non acceptance by the university prior to commencement. In the event therefore that there are matters of concern, these shall be resolved by the manager with the prospective employee, advised by HR, prior to employment being confirmed and the conclusions recorded in writing and notified to the prospective employee.

Ad hoc declarations

Occasions may arise, from time to time, where an ad hoc declaration is required because circumstances change or new circumstances arise.

- Where on an ad hoc basis, a personal or 'outside' interest gives rise to an actual, potential or perceived conflict of interest with the interests and/or wellbeing of the university the individual member of staff *must* seek guidance from his/her Head of School/Head of Department who may consult further or escalate the referral to the appropriate a member of Executive for consideration.

The general principle, "if in doubt, declare it," must be applied. And in all cases, save the most minor and inconsequential disclosures, a record must be kept – see below for the content and standard of record required.

Annual Declaration Process

An annual email reminder will be issued to all staff on Professorial grades and grades 7-10. The purpose of this email will be to remind staff of the content of this policy and the requirement to inform the university, of any changes, to existing declarations, or any new declarations.

Employee Performance Review

Line Managers should also use EPR meetings to discuss any relationships between the individual employee and outside bodies, and also to re-iterate the benefits and potential conflicts of interest which may arise from such relationships.

Record keeping

Where there is a disclosure or concern that gives rise to the need for approval/non-approval, with or without conditions, the appropriate Executive member will decide the matter, having taken advice from the Commercial Operations Support Department and/or Human Resources

Department and such others as may be considered appropriate. In such cases a record will be kept with the declaration of any matters raised and the conclusions reached. In all instances the conclusion will either be to approve, approve with conditions or not approve the declaration. Where there are serious concerns, the employee must be informed and a conclusion reached, which must again be recorded.

A letter setting out the conclusions reached, the decision(s) made and any controls or conditions attached, must be sent to the employee concerned, by the manager taking the decision, and a copy of all communications and notes of meetings must be lodged in the employees' personnel file held by Human Resources.

Independent Professional Advice

In all cases, the relevant HR Business Partner, the Head of HR Operations & Support and the Head of Commercial Operations Support are available for advice and guidance in any particular instances.

Employees may wish to seek other independent advice such as from their respective trade union or professional body.

PROCEDURES APPLYING TO SENIOR MANAGERS

New Appointments

All new appointments made in these categories of employees must make a first declaration at the time of initial employment with RGU. This shall be a mandatory requirement and the declaration shall be screened by the employing manager for acceptability, which will require positive acceptance, acceptance with conditions, or non acceptance by the university prior to commencement. In the event therefore that there are matters of concern, these shall be resolved by the manager with the prospective employee, advised by HR, prior to employment being confirmed and the conclusions recorded in writing and notified to the prospective employee.

In the case of appointments at Executive level, further checks and due diligence will also be undertaken by either the Executive Search Agency or the HR Department (where an external search agency is not involved). Where the successful applicant for a post at this level is already an employee of the university these further checks/due diligence may also be undertaken.

Annual Declaration Process

All members of the Senior Management Group, and equivalent posts, are required to complete an Annual Declaration*, declaring any interests (which includes a "nil" return) to Human Resources. This acts as an acknowledgement of their knowledge of the policy and a declaration of their specific interests, if any.

The Director of Human Resources will be responsible for establishing and maintaining the procedures necessary to ensure that annual declarations are requested, reviewed and acted on appropriately. The Director will report to Executive annually that the procedures have been completed.

*with the exception of staff appointed in the preceding 3 months.

Senior Manager Register

The annual declaration from senior managers and the outcomes (approved, not approved or approved with conditions) will be recorded on a register established in the Human Resources department for this purpose and the declaration form itself will be retained in the employee's personnel file.

Such declarations shall not be disclosed to unauthorised persons without the employee's consent or where the University is, in its view, bound to do so by virtue of requiring professional advice or a legal requirement. In these cases, the employee will be informed of the disclosure, to whom it is being made and its timing, unless in law the University is bound not to do so.

This apart, where there are requirements to make public all or part of the register, under any statutory requirement or other code of practice, and an intention to do so, the employees affected will be informed.

Ad hoc declarations

Occasions may arise, from time to time, where an ad hoc declaration is required because circumstances change or new circumstances arise.

Where on an ad hoc basis, a personal or 'outside' interest gives rise to an actual, potential or perceived conflict of interest with the interests and/or wellbeing of the university:

- In the case of a Head of School/Head of a support Department, he/she must seek guidance from the relevant Executive member.
- In the case of an Executive member, he/she must seek guidance from the Director of Human Resources who may consult further or escalate the referral to the Principal.
- In the case of the Principal, he/she must seek guidance from the Chair of the Board of Governors who may consult with the Director of Human Resources and/or other relevant members of the governing body.

The general principle, "if in doubt, declare it," must be applied. And in all cases, save the most minor and inconsequential disclosures, a record must be kept – see below for the content and standard of record required.

Review of Declarations

All senior manager declarations will be reviewed by the Director of Human Resources for any obvious material conflict in consultation with others, as appropriate according to the nature of any disclosure or concerns. Where there is a disclosure or concern that gives rise to the need for approval/non-approval, with or without conditions, the appropriate Executive member will decide the matter. In the case of members of Executive the Principal will decide the matter, and in the case of the Principal the Chair of the Board will decide the matter. In all instances advice will be provided by the Director of Human Resources and such others as may be considered appropriate.

In such cases a record will be kept with the declaration of any matters raised and the conclusions reached. Where there are serious concerns the employee must be informed and a conclusion reached, which must again be recorded.

In situations of material and/or serious conflict of interest being apparent, it may be necessary to take immediate steps to protect the interests of the University through the most appropriate mechanism available.

Record keeping

Where there is a disclosure or concern that gives rise to the need for approval/non-approval, with or without conditions, the appropriate

Executive member will decide the matter, having taken advice from Human Resources and such others as may be considered appropriate. In such cases a record will be kept with the declaration of any matters raised and the conclusions reached. In all instances the conclusion will either be to approve, approve with conditions or not approve the declaration. Where there are serious concerns the employee must be informed and a conclusion reached, which must again be recorded.

A letter setting out the conclusions reached, the decision(s) made and any controls or conditions attached, must be sent to the employee concerned, by the manager taking the decision, and a copy of all communications and notes of meetings must be lodged in the employees' personnel file held by Human Resources.

Independent Professional Advice

In all cases, the Director of HR is available for advice and guidance in any particular instances.

Employees may wish to seek other independent advice such as from their respective trade union or professional body.