

# Conflict of Interest Policy

<b>Supporting plans, policies and procedures</b>	<ul style="list-style-type: none"> <li>• Governance and Delegations Framework and Policy</li> <li>• Governance Charter</li> <li>• Employment Contracts</li> <li>• Academic Integrity and Academic Misconduct Policy and Procedure</li> <li>• Admissions and Enrolment Policy and Procedure</li> <li>• Code of Conduct</li> <li>• Credit and Recognition of Prior Learning Policy and Procedure</li> <li>• Staff Complaints and Appeals Policy and Procedure</li> <li>• Student Complaints and Appeals Policy and Procedure</li> <li>• Learning and Teaching Policy</li> <li>• Equity, Diversity and Aboriginal and Torres Strait Islander Peoples Framework and Policy</li> <li>• Risk Management Policy</li> </ul>
<b>Related legislation and references</b>	<ul style="list-style-type: none"> <li>• Higher Education Standards Framework (Threshold Standards) 2021</li> <li>• Tertiary Education Quality and Standards Agency (TEQSA) Act 2011</li> </ul>
<b>Version</b>	2.0
<b>Approved by</b>	Board of Directors
<b>Date approved</b>	23 July 2021
<b>Document Review</b>	This document is to be reviewed every two-years at a minimum from the date of final approval

Version	Review Date and Person/Body	Notes
0.1	Draft prepared by CEO 7 November 2019 and provided to Board of Directors for review	
1.0	Approved at the 13 November 2019 Board of Directors meeting	
1.1	Approved at the 28 October 2020 Board of Directors meeting	Updated after internal and external review
2.0	Reviewed and approved by the Board of Directors via email circulation on 23 July 2021	Updates made following the response to the TEQSA Request for Information 23 July 2021

## Background and Scope

All members of the MIHE community have obligation to act in MIHE's best interests. This policy outlines the requirement to comply with this obligation. MIHE values integrity, openness and promotes transparency in processes, procedures and decision-making. MIHE is committed to ensuring its members conform to high standards of administrative conduct and transparency.

This policy defines how MIHE will identify, disclose and manage perceived, indirect and actual Conflicts of Interest (COI). This policy applies to MIHE community including all directors, board members, committee members, staff and contractors.

## Definitions

The following definition has been adapted from Principle 9: Conduct and Compliance from the Australian Institute of Company Directors (AICD) definition

(<https://aicd.companydirectors.com.au/resources/not-for-profit-resources/not-for-profit-governance-principles/principle-9-conduct-and-compliance>)

Board and Committee members, staff and contractors have a duty to act in the best interest of their organisation (MIHE). At times, a director, committee member, staff or contractor's personal interests (such as their investment interests) or their other duties (such as to another organisation of which they are a director, committee member, staff or contractor) may conflict with MIHE duties. This is called a Conflicts of Interest (COI).

A conflict of interest may arise in situations that could potentially undermine a director, committee member, staff or contractor's impartiality due to the possibility of a clash between their self-interest and other competing interests. The situation may involve a financial interest, other non-financial interest, professional stature, future employment or other situation where they may benefit.

## Policy

All members of the MIHE community are expected to act with honesty and integrity and must take reasonable steps to avoid a conflict of interest wherever possible. Good governance is crucial for the effectiveness and stability of MIHE's operation. Staff must not allow any compromise of their obligations, responsibilities or duties through financial or any other personal interests. Staff must withdraw from the situation which has the possibility to rise to the conflict of interest.

There three types of COI: Perceived COI, Indirect COI and Actual COI.

**Perceived COI** is where it could reasonably be perceived that a competing interest could inappropriately influence decisions/activities to a certain degree of the director, committee member, staff or contractor. There may not be a direct interest or benefit to the director, committee member, staff or contractor.

**Indirect COI** is where a director, committee member, staff or contractor has an interest or obligation, whether personal or involving a third party, that could conflict with the MIHE duties and responsibilities. The COI may not involve direct interest or benefit to the director, committee member, staff or contractor. An example of an indirect COI would be a director, committee member, staff or contractor who awards a contract or service agreement to a company which is owned by their spouse or relative. In this example, there may be no direct benefit to them but there is an indirect benefit.

**Actual COI** is when there is a direct conflict between a director, committee member, staff or contractor's duties and responsibilities to MIHE and a competing interest or obligation. The Actual COI may be of a personal nature or be a commercial interest, but is directly related to the director, committee member, staff or contractor. An example of an actual COI would be a director, committee member, staff or contractor who awards a contract or service agreement to a company in which they have a direct financial interest and/or benefit.

MIHE will specify and communicate a best practice approach for defining, disclosing and managing conflicts of interest to uphold its expectation. MIHE will act promptly to manage, rectify or mitigate a conflict as soon as a conflict of interest is identified and ensure that arrangements are put in place to protect the honesty and integrity of MIHE's decision-making processes and governance.

MIHE recognises that preservation of academic and professional independence is a paramount. Any gifts, benefits, sponsorship, hospitality or service will not be accepted if the intention is to influence current or future behaviour of any member of MIHE community.

All directors, committee members, staff and contractors are expected to make declarations in writing where any COI exists to the CEO and Company Secretary. This declaration is important to manage the potential or perception of bias or prejudice that can arise with personal relationships. MIHE is committed to ensure that no undue advantage or disadvantage occurs as a result of the existence of a personal relationship (for further information see *Code of Conduct*). The Company Secretary will keep a register of all declared Conflicts of Interest.

### **Breaches**

Breaches of this Policy will be investigated confidentially and transparently in accordance with Code of Conduct. Staff members who fail to disclose a conflict of interest or comply with the Conflict of Interest Policy may face disciplinary action, including termination in severe cases. Staff behavior that constitutes a potential crime may be referred to law enforcement agencies.