

Conflicts of Interest relating to Research - Procedures

Section 1 - Purpose and Scope

Purpose

- (1) These Procedures outline the responsibility of Southern Cross University researchers to be proactive in the identification and disclosure of conflicts of interests. A framework is provided for the management and recording of any conflicts of interest relevant to research undertaken at the University.
- (2) These Procedures adopt the principles detailed in the Southern Cross University [Research, Quality Standards and Integrity Policy](#).
- (3) These Procedures support compliance with Section 4.1 of The Australian [Higher Education Standards Framework \(Threshold Standards\) 2021](#).
- (4) These Procedures support compliance of research activities with the [Australian Code for the Responsible Conduct of Research](#), particularly:
 - a. Principle 3, 'Transparency in declaring interests...', which includes the responsibility to disclose interests and manage conflicts of interest.
 - b. Responsibilities of Researchers R24: Disclose and manage actual, potential or perceived conflicts of interest.
- (5) These Procedures adopt the following:
 - a. [NHMRC Guide to Disclosure of Interests and Management of Conflicts of Interest](#).
- (6) These Procedures should be read together with the following:
 - a. [Australian Research Council Research Integrity Policy](#);
 - b. [AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research](#) 2020;
 - c. [National Health and Medical Research Council's Ethical Conduct in Research with Aboriginal and Torres Strait Islander Peoples and Communities: Guidelines for Researchers and Stakeholders](#);
 - d. Southern Cross University [Research Quality, Standards and Integrity Policy](#);
 - e. Southern Cross University [Research Integrity Procedures – Staff](#);
 - f. Southern Cross University [Research Integrity Procedures – Higher Degree Researchers \(Students\)](#);
 - g. Southern Cross University Research Integrity Advisor Procedure;
 - h. Southern Cross University [Code of Conduct](#);
 - i. Southern Cross University [Gift Acceptance Policy](#).

Scope

- (7) These Procedures apply to all staff, including adjunct, visiting, emeritus and conjoint academic appointees and

Higher Degree by Research (HDR) students who carry out research under the auspices of Southern Cross University.

Section 2 - Definitions

(8) The following definitions apply to these Procedures:

- a. ARC is the [Australian Research Council](#);
- b. Close Personal Relationship is one which gives rise to a real or potential conflict of interest and includes relatives, spouses (including de facto spouses), romantic and sexual partners, and financial relationships.
- c. Code means the [Australian Code for the Responsible Conduct of Research 2018](#);
- d. Conflict of Interest exists in a situation where an independent observer might reasonably conclude that the professional actions of a person are or may be unduly influenced by other interests. This refers to a financial or non-financial interest which may be a perceived, potential or an actual conflict of interest;
- e. Higher Degree Researcher means a higher degree by research student;
- f. Lead Researcher is an individual who has primary responsibility for the planning, design, approval and conduct of a research project from its conception through to its finalisation. For collaborative research involving researchers at more than one institution, one researcher from each participating institution may be designated a Research Project Leader;
- g. NHMRC means the [National Health and Medical Research Council](#);
- h. Research - the concept of research is broad and includes the creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies, inventions and understandings. This could include synthesis and analysis of previous research to the extent that it is new and creative. For the purposes of this procedure, research includes research training;
- i. Research Integrity Advisor (RIA) is a person or persons with knowledge of the Code and institutional processes nominated by the University to promote the responsible conduct of research and provide advice to those with concerns or complaints about potential breaches of the Code;
- j. Researcher means a person who conducts, or assists with the conduct of, research;
- k. Staff (for the purpose of this Policy) means all persons who are academic or professional employees of Southern Cross University, including full time, part time, fixed term and casual and all adjunct, visiting, emeritus and conjoint appointees who are engaged in research roles on behalf of the University;
- l. Student means a person who is registered as a student of the University regardless of whether they are currently enrolled in a course of study conducted by or within the University;
- m. University Processes includes references to Rules, Policies, Procedures, Guidelines and Standards.

Section 3 - Types of Conflict of Interest

(9) A conflict of interest relating to research refers to circumstances in which someone's personal interest/s may conflict with their professional obligation to the research they are involved with. A conflict of interest exists in a situation where an independent observer might reasonably conclude that the professional actions of a University researcher are, or may be unduly influenced by other interests.

(10) A conflict of interest may be:

- a. An actual conflict of interest - when a researcher is in a situation where they have competing interests, duties, or responsibilities, and one of these interests is directly influencing or impairing their ability to fulfill their professional or ethical obligations as a University researcher;
- b. A perceived conflict of interest - when a situation could reasonably appear to a third party to involve a conflict

of interest, even if no actual conflict exists;

- c. A potential conflict of interest - when a situation could develop into an actual conflict of interest in the future. There is the possibility that a researcher's judgment could be compromised due to a competing interest, though no conflict has yet occurred.

(11) It is not possible to document all examples of a conflict of interest. Types of conflicts of interest related to research can be broadly categorised, according to the [NHMRC Guide to Disclosure of Interests and Management of Conflicts of Interest](#) as follows:

- a. Financial conflicts of interests including, but not limited to:
 - i. Direct payments to a researcher, such as salary, consultancy payments, royalties, speaking fees, directorships;
 - ii. Indirect payments to the researcher, for example funding of travel, accommodation, professional development, hospitality;
 - iii. Payments to support research, such as funding from an industry or interest group;
 - iv. Company shares or options;
 - v. Some scholarships;
 - vi. Operational, infrastructure or equipment support;
 - vii. Future expectations of a benefit, e.g. proceeds of commercialisation, spin-off company or shares;
 - viii. Gifts. See [Gift Acceptance Policy](#);
 - ix. A financial interest held by a member of a researcher's immediate family, or a person with whom the researcher has a close personal or social relationship.
- b. Non-financial interests including, but not limited to:
 - i. Any board membership (even if unpaid) or other affiliation with an organisation that could stand to benefit from or be affected by the research;
 - ii. Current and past close personal or social relationships;
 - iii. Current and past professional relationships;
 - iv. Recent employment with, or a role in, organisations with financial links or affiliations with industry groups that could stand to benefit from or be affected by the research.

Section 4 - Identification, Disclosure and Management of Conflicts of Interest

(12) The primary obligation for disclosing a conflict of interest rests with the University researcher who has the conflict. This does not preclude third parties from identifying where a conflict of interest may exist and the University requiring a management plan as a result.

(13) Having a conflict of interest does not, in itself, imply improper motivation or individual wrong-doing.

(14) All University researchers must:

- a. be aware of their responsibilities under The Code, alert to conflicts of interest and proactive in identifying and disclosing them;
- b. disclose personal interests in accordance with these Procedures;
- c. not allow judgements concerning their research or professional duties to be affected by other interests; and
- d. where a conflict of interest has been identified, together with the Associate Dean (Research), develop, implement and follow an appropriate management plan.

(15) A Researcher who believes they have a conflict of interest should promptly and transparently disclose it to an appropriate Associate Dean (Research).

(16) The Associate Dean (Research) may consult with office holders including the following to decide whether an actual, perceived or potential conflict of interest exists:

- a. The Lead Researcher of the project that the Researcher with the conflict under assessment is working on;
- b. Executive Dean of Faculty or College;
- c. Research Integrity Advisor (RIA);
- d. Dean, Graduate School;
- e. Manager, Graduate School;
- f. Pro Vice-Chancellor (Research and Education Impact);
- g. Dean, Gnibi College.

(17) The Associate Dean (Research) will consider the definition of a conflict of interest as detailed in Clause (9) to Clause (11) in determining whether a conflict exists.

(18) If the conflict of interest involves the Associate Dean (Research), the determination will be made by the Executive Dean of the Faculty or College.

(19) Any determination concerning research involving or related to Aboriginal and Torres Strait Islander peoples and communities must include consultation with the Dean, Gnibi College.

(20) The significance of any financial interest should also be considered when determining a financial conflict of interest including, but not limited to:

- a. the monetary value of the payment, gift or interest. (Note that according to the [Gift Acceptance Policy](#), only authorised delegates may accept gifts on behalf of the University);
- b. the significance that a reasonable, independent observer would attach to the payment, gift or interest;
- c. the circumstances under which a gift or payment is made, for example, if the gift or payment is a regular payment or single instance.

(21) Once a conflict of interest is identified, appropriate measures must be taken to manage the conflict of interest.

(22) Measures should be tailored to the individual circumstances and in line with [NHMRC Guide to Disclosure of Interests and Management of Conflicts of Interest](#) could include, but are not limited to:

- a. Requiring the public disclosure of the interests, for example when presenting or publishing the research;
- b. Involving an appropriate individual to oversee some or all of the research activity;
- c. Requiring the Researcher to absent themselves from any deliberative decision making regarding the research;
- d. Requiring the Researcher to play a different or reduced role in some or all of the research;
- e. Requiring the Researcher to relinquish financial or other interests.

(23) Consideration must also be given to the disclosure of interest policies and procedures of any external partners or funding bodies associated with the research.

(24) The Human Research Ethics Committee (HREC) and Animal Care and Ethics Committee (ACEC) must consider all applications in light of the record of institutional interests (see Clause 29).

(25) As detailed in the [HDR Candidate and Supervision Policy](#) a sexual or romantic relationship between a Supervisor and Higher Degree Research Candidate is never appropriate.

(26) If a relationship occurs, the Supervisor must disclose it to the Director, Higher Degree Research immediately.

(27) The Director, Higher Degree Research must remove the Supervisor from the team and recommend a replacement to the Dean, Graduate School in line with the [Higher Degree Research Candidate and Supervisor Policy](#).

Section 5 - Recording of Conflicts of Interest

(28) Individual researchers must maintain records of any conflicts of interest they have, the details of the disclosure and the management plan in place.

(29) A central record will be maintained of institutional interests that may be perceived to affect the design, review, conduct and dissemination of research carried out at Southern Cross University. Examples of institutional interests include but are not limited to:

- a. intellectual property rights or licence revenue (existing or potential);
- b. industry or government funding of individual research projects, programs or infrastructure;
- c. shares or options held by the institution;
- d. the business undertaken by any entity or spin off enterprise of the University;

(30) All records must give appropriate consideration to confidentiality requirements.

Section 6 - Resolution of Disputes

(31) In the first instance, it is recommended that disputes over the identification or management of a conflict of interest involving SCU researcher/s be dealt with through informal conversations between the individuals involved.

(32) If the dispute cannot be resolved informally, the appropriate Associate Dean (Research) will mediate the dispute and make a determination in line with Clause (16) to Clause (20).

(33) The individuals involved will be offered support during the dispute resolution process.

(34) If a staff member or student involved in a dispute wishes to make a complaint, they can do so by utilising the Southern Cross University [Feedback and Complaints Framework](#).

(35) Any disputes involving breaches of the Code should be managed according to Section 8 of these Procedures.

Section 7 - Training

(36) As detailed in the [Research Quality, Standards and Integrity Policy](#), the University will provide regular training in Research Integrity that will include disclosure and conflicts of interest in research.

(37) Training opportunities will be made available to all researchers including early career researchers and Higher Degree Researchers.

(38) Researchers must support a culture of responsible conduct of research by undertaking and promoting education. This includes undertaking mandatory University training and taking advantage of appropriate external training and education.

Section 8 - Breaches of the Code

(39) Researchers must follow these Procedures to identify, disclose and manage conflicts of interest, in accordance with The [Australian Code for the Responsible Conduct of Research](#) and [Disclosure of interests and management of conflict of interest](#): A guide supporting the Australian Code for the Responsible Conduct of Research.

(40) Researchers should familiarise themselves with the processes involved in reporting potential breaches of the Code through the Southern Cross University [Research Integrity Procedures \(Staff\)](#) and [Higher Degree Researchers \(Students\)](#).

(41) Examples of breaches of the Code that are related to the disclosure and conflicts of interests include, but are not limited to:

- a. failing to disclose a relevant interest in a timely manner;
- b. failing to abide by any decisions as to the management of a conflict of interest.

(42) Concerns about potential breaches of the Code should be discussed in the first instance with an appropriate Research Integrity Advisor (RIA).

(43) Formal allegations of breaches of the Code should be addressed through the mechanisms detailed in the [Research Integrity Procedures \(Staff\)](#) and [Higher Degree Researchers \(Students\)](#).

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