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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **[Committee name]** | | | | | | | | | | |
| **Reference: XXX-XXXX-YYMMDD-X** | | | | | | **Classification: Internal** | | | | |
| **Title** | **Conflicts of interest in relation to committee business 2023-24** | | | | | | | | | |
| **Owner** | **Gillian Aitken, Registrar** | | | | | | | | | |
| **Author(s)** | Niamh Young, Senior Risk and Compliance Manager, Secretary to COI Committee | | | | | | | | | |
| **Action required** | The [Committee Name] is invited to:  (a) note the information provided on recognising and managing conflicts of interest in relation to committee business | | | | | | | | | |
| **Purpose of Report** | | | | | | | | Indicate all that apply **X** | | |
| To provide assurance | | |  | | To canvas opinion | | | | |  |
| Regulatory requirement | | | X | | To highlight an emerging risk or issue | | | | |  |
| **University Strategic Plan** | | | | | | | | | | |
| Education | | |  | | Research | | | | |  |
| People | | |  | | Engagement and Partnership | | | | |  |
| Resources | | |  | | University governance | | | | | **X** |
| **Equality and Diversity** | | | | | | | | | | |
| Are there any equality and diversity implications that affect the University's obligations under the Public Sector Equality Duty (PSED) to eliminate discrimination, advance equality of opportunity fostering good relations between people that should be discussed? | | | | | | | | | Yes |  |
| No | X |
| 1. Summary   The University’s Conflict of Interest Policy includes guidance about the management of conflicts within committee business. It recommends that the issue of what a conflict is, and how it should be managed, should itself be an item on the agenda of each committee at its first meeting of the academic year.  The [Conflict of Interest Policy](https://compliance.web.ox.ac.uk/governance/integrity/conflict/policy) was last revised in Trinity Term 2023, when information was added about: the role of the Conflict of Interest Advisory Group; the handing of undisclosed conflicts; and linked policies and regulations. Supporting resources including: examples of how to manage conflicts, guidance for different situations and links to training courses have also been updated and are available on the [University website](https://compliance.web.ox.ac.uk/governance/integrity/conflict).   1. Consultation   The Conflict of Interest Committee recommends approval of the policy to General Purposes Committee of Council.   1. Strategic Plan   Good governance, including appropriate management of conflicts of interest in relation to committee business at all levels, is required in order to deliver all elements of our strategic plan.   1. Risk analysis   There are risks associated with undisclosed and unmanaged conflicts of interests in committee business as they can result in biased decision-making, or the perception of it. Conflicts of interest may also damage the reputation of individuals and jeopardise the University’s public standing.   1. Cost and sustainability   Not applicable. | | | | | | | | | | |
| **Route Map** | | | | | | | | | | |
| **Committee** | | **Date** | | **Reference** | | | **Action Requested/Taken** | | | |
| [Committee name] | | [DD Month Year] | | XXX-XXXX-YYMMDD-X | | | eg. Recommended. | | | |
| [Committee name] | | [DD Month Year] | | XXX-XXXX-YYMMDD-X | | | eg. Recommended.  [add more rows as needed] | | | |

**Recognising and managing conflicts of interest in relation to committee business**

1. How to recognise a conflict of interest

The following extract from the Conflict of Interest Policy provides information on how to recognise a conflict of interest (Section 5. Recognising Conflicts of Interest):

* 1. **A conflict of interest arises where the commitments and obligations owed by a member of staff or student to the University or to other bodies, for example a funding body, are likely to be compromised, or may appear to be compromised, by: a) personal gain, or gain to immediate family (or a person with whom the staff or student has a close personal relationship)[[1]](#footnote-1), whether financial or otherwise; or b) the commitments and obligations that person owes to another person or body.**
  2. There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. Thus it is important for all staff and students when evaluating a potential conflict of interest to consider how it might be perceived by others. Apparent or perceived conflicts of interest can be as damaging as actual conflicts of interest.
  3. **In order to recognise actual or perceived conflicts of interest, key interests need to be identified. Within the scope of this Policy, there are three main dimensions to be considered:**

**Dimension 1: roles and relationships**

Actual or potential conflicts generally arise from:

* roles or activities involving parties outside the University;
* roles held by staff and students outside the University;
* multiple roles held by staff and students inside the University Group including in subsidiaries and joint ventures;
* committee membership and roles involving decision-making in or on behalf of the University, departments, faculties or other units; and
* close personal relationships.

**Dimension 2: activities giving rise to potential conflicts**

Actual or potential conflicts generally arise from:

* spinouts and other companies in which staff and students have an interest;
* intellectual property;
* procurement;
* complex commercial transactions and arrangements;
* conduct and funding of research;
* external activities and appointments;
* admissions; and
* recruitment.

**Dimension 3: financial and non-financial conflicts**

Conflicts of interest may be financial, non-financial or both.

*Financial conflicts of interest*

* 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. A conflict will arise if the financial interest might provide, or be reasonably seen by others to provide, an *incentive* to the individual which affects their actions and where they have the *opportunity* to affect a University decision or other activity (because for example they are the decision-maker or the principal investigator on a research project).

* 1. ‘Financial gain’ or ‘financial interest’ means anything that has monetary value, including but not limited to:
* payments;
* benefits in kind;
* hospitality and/or gifts;
* forgiveness of debt;
* discounts, bonuses or other favourable contract terms;
* equity interests (e.g. stocks, stock options her ownership interests); and/or
* intellectual property rights (e.g. patents, copyrights and royalties from such rights).
  1. 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 declaration of ‘any’ financial interest, however small.
  2. The identification and management of conflicts of interest has become even more important in light of the significantly-increased level of financial and reputational risk arising from complex, high-risk, commercial transactions and arrangements.
  3. An example of a financial conflict of interests which should be avoided rather than managed is that members of the University should not offer paid services to student applicants that are additional to their work for the collegiate university.
* For examples of conflicts involving financial interests, see the guidance online (which includes specific guidance on spinouts and procurement decisions).

<https://compliance.admin.ox.ac.uk/governance/integrity/conflict/policy> (Appendix A)

<https://compliance.admin.ox.ac.uk/governance/integrity/conflict/examples>

*Non-financial conflicts of interest*

* 1. Non-financial interests can also come into conflict, or be perceived to come into conflict, with a member of staff or student’s duties, obligations or commitments to the University. Such non-financial interests may include any benefit or advantage, including, but not limited to, direct or indirect enhancement of an individual’s career or education, or gain to immediate family (or a person with whom the person has a close personal relationship).
  2. Ensuring that these conflicts of interest do not result in decisions or actions that can be called into question is particularly important for business propriety, supporting the University’s charitable status, and conducting research that conforms to the expected ethical and academic standards.
  3. In order to identify potential conflicts of interest, students and staff should consider who they are acting for, and whether there are any competing motivations or interests that could influence them, or be seen to influence them.
* For examples of conflicts involving non-financial interests, see the accompanying guidance online (which includes specific guidance for UG Admissions, Graduate Admissions and Personnel Services).

<https://compliance.admin.ox.ac.uk/governance/integrity/conflict/policy> (Appendix A)

<https://compliance.admin.ox.ac.uk/governance/integrity/conflict/examples>

1. How conflicts of interest relating to committee business should be managed

Paragraph 6.6 of the Conflict of Interest Policy recommends that committees adopt the practice of including the following statement – or something similar – in each agenda:

'Members and regular attendees of [Name] Committee will be asked to declare any interest that could give rise to conflict in relation to any item on the agenda at the beginning of the item in question. All interests so disclosed will be recorded in the minutes of the Committee. If the chair of the meeting deems it appropriate, the member shall absent themselves from all or part of the Committee's discussion of the matter.'

This requires committee members to declare any interest that could give rise to conflict in relation to any item on the agenda at the beginning of the item in question. The chair has discretion to require that committee member to absent themselves from all or part of the Committee's discussion of the matter.

1. Further information

Further information on conflicts of interest can be obtained from the Secretary of the Conflict of Interest Committee ([coisec@admin.ox.ac.uk](mailto:coisec@admin.ox.ac.uk)).

1. For the purpose of this policy, ‘immediate family’ is defined as follows: spouse or civil partner, son, daughter. However, the ‘close personal relationship’ giving rise to an interest could extend to the following (this is not intended to be an exhaustive list): unmarried partner, parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, the (unrelated) child of an unmarried partner, as well as half and step members of family. [↑](#footnote-ref-1)