

## Conflict of Interests

### Policy Framework

#### Introduction

1. The University is committed to the highest standards of openness, integrity and accountability. It seeks to conduct its affairs in a responsible manner, having regard to the principles established by the Committee on Standards in Public Life (formerly known as the Nolan Committee), which members of staff at all levels and any associates acting on behalf of the University are expected to observe and adhere to. Ensuring that conflicts of interest, perceived and actual, are managed rigorously and transparently is key to upholding these principles.
2. A conflict of interest is a relationship or position which may allow an individual to unduly influence decisions for personal benefit and/or to the detriment of the University. Conflicts of interest are a risk to the University where they present an actual or perceived compromise to an individual's judgement, impartiality or integrity in relation to decision making on the University's behalf. Examples of conflicts of interest that may arise within the University are provided in **appendix**.

#### Background and Requirements to be Observed by All Staff

3. The [University's Financial Regulations](#) contain overarching requirements for all staff regarding conflicts of interest and contain the above requirement for all staff to adhere to the Nolan Principles. Compliance with the Financial Regulations is compulsory for all staff connected with the University and non-compliance can lead to disciplinary action.
4. The Financial Regulations require that if any member of staff is aware that they have any pecuniary, family or personal interest in a matter related to the University, then they should advise their immediate line manager, in writing, of such interest. This is to ensure transparency and allow agreement to be reached on how the conflict can be managed, avoided or resolved as appropriate. The regulations highlight in particular that no person shall be a signatory to a University contract where they also have an interest in the activities of the other party.
5. The Seven Principles of Public Life (also known as the Nolan Principles) which staff are required to observe are as follows:

<p><b>Selflessness</b> Holders of public office should act solely in terms of the public interest.</p>	<p><b>Integrity</b> Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.</p>	<p><b>Objectivity</b> Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</p>
<p><b>Accountability</b> Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.</p>	<p><b>Openness</b> Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.</p>	<p><b>Honesty</b> Holders of public office should be truthful.</p>
<p><b>Leadership</b> Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.</p>		

## Specific Requirements for Senior Staff and Court Members

6. The requirements to advise their line manager in writing of a conflict of interest and to take steps to avoid or resolve the conflict, as set out in the Financial Regulations, apply to all staff of the University.
7. Members of Court, and senior members of the executive in attendance, are subject to separate register of interest declaration and conflict of interest requirements as set out in [Court's Standing Orders and the Court Handbook](#), in alignment with the requirements of the Scottish Code of Good HE Governance. A summary register of Court members' interests is published online.
8. As resolved by ULT on 7 September 2021, there is a specific requirement to complete an annual register of interests declaration by senior staff at Grade 8 and above.\*
9. These arrangements also support the University in complying with related party disclosure requirements as set out in the Statement of Recommended Practice: Accounting for Further and Higher Education 2019 (SORP) and specifically the requirements of FRS 102 Section 33.

## Register of Interests Declaration and Review Process for Senior Staff

10. Senior staff at Grade 8 and above are required to complete a register of interests declaration annually through the HR Connect system which will be reviewed with their line manager in the context of the My Contribution annual review process. The purpose of the review will be to identify any potential areas for conflict (or conversely areas of opportunity) arising from the staff members' outside interests and to agree how the conflict can be avoided, managed or resolved as appropriate.
11. If any changes to the interests within the declaration change at any time, the declaration form must be updated and line manager informed.
12. Any issues which are particularly challenging or difficult to resolve can be escalated for consideration by ULT.
13. Any instances of misconduct arising in relation to undeclared or unresolved conflicts of interest will be investigated and managed through the [Disciplinary Policy and Procedure](#) and [Fraud Policy](#) as appropriate, and reported to ULT and Audit & Risk Committee through the regular Fraud update reports.

## Data Governance

14. Personal information gathered for the purposes outlined is done so in accordance with the General Data Protection Regulation (GDPR) 2018 and the terms set out within the Edinburgh Napier University's Employee and Court Member Privacy Notices.

**8 December 2021**

\*In process of implementation pending necessary adaptations to HR Connect.

## Appendix

### Examples of Conflict of Interest

Examples of conflicts that may arise within the University include, but are not limited to, the following:

#### Academic and research conflicts

All academic staff are expected to prioritise their roles and responsibilities to the University, ahead of personal advantage. For example, highest standards of research integrity must be upheld, including research scope, design, activities, results and reporting. Should interests not be declared in advance of the activity starting there could be a case for breach of [Commitment 2 in the Concordat on Research Integrity](#): *'comply with ethical, legal and professional frameworks, obligations and standards as required by statutory and regulatory authorities, and by employers, funders and other relevant stakeholders.'* This includes failure to disclose conflicts of interest or inadequate disclosure of interests.

Opportunities for personal advantage which compromise research integrity constitute conflicts of interest and should be declared and managed carefully. When an individual involved in any R&I activity (of any grade) has interests to declare or is uncertain if they have a conflict of interest, they should raise this with their line manager and also should make RIE staff aware as this might affect the due diligence, eligibility or terms of the funding. RIE will keep a register of interests related to R&I activities (for current staff) and when there are interests specifically related to a project then this will be recorded in the risk tab on the project and in the R&I register of interests.

Potential R&I related conflicts of interest include:

- **Licensing of Intellectual Property.** The University will have exclusive exploitation rights in any intellectual property which the University considers may be of commercial value to the University.
- **Executive and Non-Executive Directorships or Trustee roles-** where there's potential for conflict between your obligations there and at the university.
- **Outside activities and consultancy** - where there's potential for conflict, e.g., where the organisation is applying for funding, working alongside the university, or participating in research with the university. You should not be paid more than once for your contribution – this must either go through the university or the other organisation. The University consultancy framework provides details on what you need to be aware of before engaging in consultancy activities.
- An employee **compromising research objectivity or independence** in return for financial or non-financial benefit for them or for a relative or friend.
- An employee **using University resources** or confidential information obtained through their University position for personal financial or non-financial benefit, or benefit to a relative or friend
- **Influence a contract or other favourable terms** for a company in which they, or a relative or friend, had a financial interest.

#### Financial conflicts

All employees have a duty to protect the financial interests of the University. A conflict may arise where a personal interest or external relationship might influence financial conduct or decision making either for personal gain or to the detriment of the University. This could include misallocation of financial resources, inappropriate appointment of contracts or purchasing activities, or use of University equipment, resources and assets for personal financial gain.

#### Commitment/loyalty conflicts

Where staff hold other roles and appointments outside of the University, there is a risk that individuals may not always act in the best interests of the University where there is a conflict with the interests of the other organisations with whom they are affiliated. Such conflicts may inhibit the individual's ability to engage in discussions and decisions where these conflicts exist.