



Conflict of Interest Policy - Staff

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Introduction

This policy has been prepared by DCUET Educational Trust (DCUET) to help ensure the highest standards of practice in its mission to develop philanthropic relationships to support DCUET in its mission to transform lives and societies.

DCUET empowers its Staff, but in so doing needs to put in place a mechanism to protect its Staff, and itself, from reputational damage and other liabilities.

DCUET Staff engage primarily in fundraising and ancillary management activities. However, in undertaking such activities, Staff may be open to a perception that their decisions are influenced by personal interest, even though the Staff member is acting with neutrality and complete professional integrity.

In the vast majority of cases a simple disclosure of potentially conflicting activities is sufficient to ameliorate any perception of impropriety. Occasionally DCUET may suggest a different way of managing an activity that avoids a real or perceived conflict of interest. In rare cases a conflict of interest may be so fundamental that it is unmanageable and it therefore becomes necessary to restrict the Staff member's conflicting activities.

The damage caused by conflicts of interest can be considerable, whether the conflict of interest exists or *appears* to exist. For this reason, an explicit conflict of interest policy does not infer any lack of trust in, or loyalty of, staff. Rather, it is a mechanism for protecting DCUET Staff against criticism or compromise by ensuring that they recognise and disclose such conflict situations and take steps to avoid and manage them.

The most important message in this document is that DCUET Staff should disclose any activity if they suspect it could be perceived as a conflict of interest. This policy document describes how such disclosure should be made.

Purpose

The purposes of this Conflict of Interest Policy are:

- a) to present a definition of conflict of interest;
- b) help Staff to identify conflicts of interest;
- c) set out examples of situations where potential conflict of interest may arise;
- d) set out procedures to be followed in situations of potential conflict of interest; &
- e) provide guidance to those responsible for managing conflicts of interest.

Scope

'Staff' for the purposes of this policy means all full-time, part-time, fixed-term Staff, third party contractors, all researchers, students involved in research and any other person in receipt of payment from DCUET.

This Policy applies to all Staff, and all others who work in DCUET in any capacity, including on DCUET Committees.

Definitions

'Reviewer' in this policy means the individual to whom Staff submit their conflict of interest declaration.

In the first instance the Reviewer should be the CEO, Company Secretary or any member of the Board of Directors.

If the first Reviewer is not suitable given the nature of the activity or due to a potential conflict of interest for that individual, the declaration of conflict of interest can be submitted to any other Reviewer or the individual's line-manager.

The working definition of 'Conflict of Interest' in this policy is a conflict between official responsibilities and external / private interests of a person acting on behalf of, or employed by, DCUET or any of its subsidiaries.

Policy Statement

DCUET recognises that policies that seek to eliminate all potential conflicts could also prevent many of the activities that universities now wish to encourage. Accordingly, rather than seek to prohibit all activities that might give rise to a conflict of interest, this Conflict of Interest Policy provides for a three-fold approach:

- a) Disclose potential conflicts of interest.
- b) Manage the conflict wherever possible.
- c) Prohibit the activity only when necessary to protect the public interest and/or the interest of DCUET.

It is the policy of DCUET that its officers and staff have an obligation to manage or avoid ethical, legal, financial, or other conflicts of interests and to ensure that their activities and interests do not conflict with their obligations to the Trust or its welfare.

Identifying a Conflict of Interest

The primary obligation rests with the Staff member to recognise situations in which he or she has a potential conflict of interest and to disclose and discuss that conflict with their Reviewer.

Conflicts of interest may arise when a member of Staff is in a position to influence DCUET activities in ways that could lead to personal gain or gain for an associated third party individual, such as a friend or family member or any other institution or entity with whom they are associated.

When asking yourself whether there is a possible conflict of interest consider:

- a) whether you would be concerned if colleagues, friends, or family became aware of your activities or if national media were reporting on them; &
- b) whether you would be concerned if you saw a colleague doing the same thing as you are contemplating.

DCUET itself may be involved in an activity in which a DCUET Member of Staff has a conflict of interest. Staff should be aware that just because DCUET may also benefit from an activity it does not in any way mitigate or reduce the Staff member's obligations under this Conflict of Interest Policy.

The main categories of conflict of interest are:

1. Fundraising Mission
2. Conflicts of Commitment and Loyalty
3. Financial Conflicts
4. Treatment of Property.
5. Disciplinary proceedings
6. Appeals
7. Procurement
8. Contractual arrangements
9. Consultancy whether in a personal capacity or through DCUET officially
10. Arrangements relating to a company with which the staff member is associated through shareholding, directorship or family connection
11. Recruitment
12. Promotion
13. Involvement in any business in actual or potential conflict with the business of the Trust.

Other general examples include:

- a) Access to confidential information or the ability to adapt or change this information relating to a staff member, family member, relative, friend or acquaintance.
- b) A financial interest held by an individual in an external enterprise engaged in activities closely related to that individual's activities in the University.
- c) A personal involvement in any company which has, or is in the process of negotiating, a contract with the Trust.
- d) A personal involvement in any company which has, or is in the process of responding to a tender which may result in a contract with the Trust.
- e) Over-dependence on a particular company for research funding – which may result in that company, outside of contractual obligations, either formally or informally influencing the direction of the research or dissemination of results.

These categories are intended to be illustrative and are not exhaustive.

On identification of a potential conflict of interest

When a member of Staff believes they have a conflict of interest they should complete the 'Declaration of Potential Conflict of Interest' form (in Appendix I) and submit it to their Reviewer.

A full prior disclosure of interests is an important (and in many cases, entirely sufficient) mechanism for the management of conflicts of interest.

When to disclose a potential conflict of interest

The 'Declaration of Potential Conflict of Interest' should be completed and submitted when the staff member first becomes aware of a potential conflict of interest.

This may be prior to the commencement of the activity or when circumstances change in a way that give rise to conflict (either as a result of changes to the member of Staff's responsibilities in DCUET, changes in the nature of the relationship between the external company and DCUET, or changes in the Staff members commitment to the external body).

This can present a significant challenge since circumstances often change gradually and with little formality. It is nevertheless important for the staff member's own protection that their Reviewer is informed in advance of any changes to the relationship.

Managing a Conflict of Interest

The Reviewer will advise on how the potential conflict can be managed. In many cases the simple disclosure of a potential conflict, in itself, will be sufficient. In a minority of cases where the potential conflict is deemed serious and cannot be effectively managed, it may be necessary to discontinue one of the conflicting activities.

In the instance of a potential conflict of interest, the key goal is to separate the relevant decision-making activities, so that they are separately and independently managed.

Recording a conflict of interest

The Reviewer will keep a written record of the fact that the conflict was reported and of how the conflict was dealt with. All records of Conflict Disclosure and management of conflict will be reported to the Company Secretary who will store them centrally.

A summary of all potential conflicts reported and management mechanisms put in place will be submitted to the Board of Directors annually.

Related Policies and Statutes

This Conflict of Interest Policy should read in conjunction with all other relevant existing policies and procedures of DCUET. This policy does not absolve, in any way, obligations that staff may have to submit a disclosure of interest to the Standards in Public Office Commission to comply with the provisions of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001.

Roles and Responsibilities

It is the responsibility of **all Members of Staff** to disclose any possible conflict of interest.

In the course of considering cases of conflict of interest or potential conflict of interest, the **Reviewer** should consult with the **CEO** or **Chair of the Board**, as appropriate.

Specific duties of the Reviewer on being made aware of a conflict of interest.

a) To respond in a timely manner to requests for advice from a member of their staff as to whether a conflict of interest exists or may exist, as defined in the DCUET Conflict of Interest Policy, and/or how it might best be managed.

b) To consider, for approval, any cases where a staff member's proposed relationship with another organisation creates a conflict of interest.

c) To consider any instances where a potential conflict of interest may exist and take appropriate measures to protect Staff and DCUET.

d) To ensure that a written record is made of the fact that the conflict was reported and of how the conflict was dealt with. A copy of the record should be forwarded to Company Secretary.

If the potential conflict involves the Reviewer (see 'Definitions' section above), the Staff member must disclose in writing and discuss any potential conflicts with the **CEO** or **Chair of the Board**.

Sanctions

Failure to disclose a conflict of interest, or a potential conflict of interest, may result in disciplinary procedures being initiated by the Trust.

Contact

Any queries regarding this policy should be directed to the Company Secretary.

Policy Review

This Policy shall be reviewed annually.

Appendix 1

DECLARATION OF POTENTIAL CONFLICT OF INTEREST

Name of staff member: _____

Position: _____

Third party name and address (if applicable):

Describe the nature of the personal interest.

I acknowledge the DCU Educational Trust policy on Conflict of Interest, and declare the above interests.

I confirm that I have no other activities, responsibilities or ownership entitlements that might lead to a conflict of interest situation. (Additional pages may be attached if required)

Signature of Staff Member: _____

Signature of Reviewer: _____

Recommendation: _____

Date: _____