

Conflict of Interest Policy

1. Policy Scope

This Policy applies to all full and part time ECC staff, to all external members of the organisation and its committees, anyone working in ECC such as casual workers, visiting researchers, visiting academics, and consultants, as well as anyone affiliated to the organisation through an honorary contract. The policy also applies to students who are engaged by ECC to work on a particular project for ECC or any third party, and to all students who are engaged in research funded by, or in collaboration with a third party as part of their degree.

All staff and students are responsible for familiarising themselves with this Policy and ensuring that they abide by its standards, as well as any associated guidance, and any external requirements, such as terms and conditions, or codes of conduct related to conflicts of interest disclosures developed by ECC its or governing bodies.

2. Policy Background & Policy Statement

Increasing demands are now being placed on higher education providers to engage with various organisations in order to fulfil their responsibilities towards the economic development and in order to generate funds to support their education, research and relevant activities. In such an environment, members of staff are placed in situations where potential conflict may arise between their personal and professional interests and the interests of the organisation at large.

In response to this situation, ECC has adopted the following statement of policy:

It is the policy of ECC that its officers, staff, and others acting on its behalf have the obligation to avoid ethical, legal, financial, or other conflicts of interest, and to ensure that their activities and interests do not conflict with their obligations to ECC operations, values or its welfare.

In stating this policy, members of staff are reminded that they have a common law obligation of confidentiality and loyalty of service to ECC, and must ensure that sensitive and confidential matters relating to the work or administration of ECC are not improperly disclosed, either internally or externally.

3. Defining Conflict of Interest

A conflict of interest includes actual, as well as perceived and potential conflict of interest. Actual conflicts are existing situations or relationships that could compromise individual's impartiality, objectivity and/or professional integrity and judgement in relation to their duties/responsibilities towards ECC.

A perceived conflict of interest is one that a reasonable person could consider likely to compromise impartiality and objectivity

A potential conflict of interest is a situation that does not currently constitute a conflict of interest, but where there is a significant risk that it could evolve into an actual or a perceived conflict situation. Perceived or potential conflicts of interest may undermine trust and can be as damaging as actual



conflict of interest, as suspicion may arise even when staff and students act with complete neutrality and professional integrity.

It is therefore important for all staff and students, when evaluating a potential conflict of interest, to consider how it might be perceived by others.

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

- **Financial conflict of interest**

A financial conflict of interest is one where there is or appears to be an opportunity for personal financial gain, financial gain to a Connected Person, or where it might be reasonable for another party to take the view that financial benefits might affect the individual's actions and decisions. A financial gain refers to anything of monetary value including but not limited to pay, commission, consultancy fees, equity interests, forgiveness of debt, property, shares, gifts or hospitality, licensing income, honoraria, or Intellectual Property rights (e.g. patents, copyright and royalties from such rights)

- **Non-financial conflict of interest**

A non-financial conflict of interest refers to any non-financial benefit or advantage including but not limited to direct or indirect enhancement of the individual or Connected Person's career, education, or professional reputation, access to privileged information or facilities and property, or Intellectual Property rights.

- **Conflict of Commitment and Loyalty**

Conflict of commitment and loyalty can exist when the external activities of a member of staff are so substantial or demanding in terms of time and/or attention so as to interfere with their responsibilities to ECC. Conflicts of this type primarily involve questions of obligation and effort, but may often be tied to financial remuneration or other inducements and as such may also constitute a conflict of interest. All employees owe commitment and allegiance to ECC.

- **Conflict of Commitment:**

Private interests or non- ECC activities that harm or interfere with the productivity and involvement of ECC employees. This refers to an individual's distribution of effort between employment obligations to the organisation and to outside professional activities that can result in compromising the commitment to ECC.

Staff need to be open and transparent about any additional employment they hold, or are considering to take up, and should inform/discuss it with their Line Manager. It is important to ensure that any non- ECC employment does not constitute a conflict of interest or conflict of commitment, or that any possible conflicts are disclosed and sufficiently managed where appropriate. Any external appointments should be also in line with the terms and conditions of the individual contracts of employment, ECC's employment policy, and/or other relevant policies. Where additional employment is allowed by the organisation, this does not absolve the employee from ensuring that they continue to give their commitment and allegiance to ECC.

- **Other Conflicts:**

Potential conflicts of interest may arise from opportunities that an individual may have to influence or to be influenced improperly by personal relationships, in ways that are not consistent

with the education and employment policies and the principles to which the ECC is committed. Potential conflicts of interest of a particularly sensitive nature may arise out of personal relationships, especially in the context of educational or employment supervision and evaluation. Because the effects on other people at work or in the classroom are frequently not apparent to the persons involved in a relationship, anyone with such an involvement should be attentive to the feelings of colleagues and to the potential conflicts of interest that may be involved. Apparent conflicts may undermine trust and be as damaging as an actual conflict. This can include both direct influence of decisions, and conflicts arising from misuse of privileged access to confidential information or the acceptance of gifts or ex gratia payments.

4. Recognising conflict of interest

A conflict of interest arises where the professional commitments and institutional responsibilities owed by an individual member of staff or student to the ECC or to other bodies, for example a funding body, are likely to be, or may appear to be compromised, impaired or influenced by:

- i. either person's individual interests, personal gain, or gain to a connected Person, whether financial or non-financial, at the expense of the ECC or other body;
- ii. Or the commitments and obligations that person owes to another person or body.
(For the purpose of this Policy, a Connected Person is anyone with whom the ECC staff or student has a personal or business relationship, which is likely to appear to influence their objectivity. This includes, but is not limited to familial relations, partner, spouse, close personal friends or business or personal associates).

5. Conflict of Interest Procedure

It is the ongoing duty and responsibility of every member of staff or student to recognise and disclose conflicts of interest (whether actual or potential, financial, academic, personal or otherwise) or any circumstances that might reasonably give rise to the perception of conflict of interest. All staff, and especially those in a position of authority, are expected to be honest, open and transparent where their personal or business relationship may, or may be perceived to influence the operation of ECC business, so that the effect of the conflict situation can be minimised and appropriately managed at the earliest opportunity.

The best practice to manage a conflict of interest is to actively consider a potential for a conflict at the outset of every new activity/external project, as well as how it may/will affect the activity in question and/or ECC in general.

If a member of staff or student is unsure whether their interests conflict, it should be assumed that a conflict of interest exists. Advice should be sought from the appropriate person and appropriate action should be taken. Equally, if an employee becomes aware of the possible conflict situation which appears not to be considered by an individual employee, it should be brought to that individual's attention for appropriate consideration.

6. Managing Conflict of Interest

Any issues raised under this Policy should be dealt with in a prompt, fair, reasonable and objective manner, paying due attention to the effects of any actions taken, on the ECC standing, as well as the individual's work and reputation.

Disclosure should be made at the time the conflict first arises, or when it is recognised that a conflict might be perceived, in writing to the Appropriate Person as follows:

- i. Staff: the individual's Line Manager.
- ii. Students and researchers: the individual's Tutor / Supervisor.
- iii. Professors, Academic Managers, Advisers & Directors: the Head of Centre.

All disclosures should include sufficient information to allow for adequate evaluation and resolution, such as:

- i. The type of potential conflict (financial conflict of interest or conflict of commitment etc.)
- ii. The nature of the activity
- iii. A description of all parties involved
- iv. The potential financial or non-financial interests and rewards
- v. Any other relevant information.

In all cases the disclosure, its outcome, and all subsequent decisions and actions should be noted in writing, and must be kept confidential as far as possible in line with the Data Protection Act 1998. To protect the privacy of individual members of staff or students any disclosures made should be only made available to appropriate individuals with justifiable reasons for access.

The steps agreed to manage or avoid conflict of interest should:

- i. Specify the person, department, faculty or team which will be informed of the specific interest either by the individual concerned, or by the Appropriate Person
- ii. Specify any positions which the individual making the disclosure may not occupy
- iii. Specify any activities, including discussions, negotiations and decisions, in which the staff member making the disclosure may not participate
- iv. Be designed to protect the integrity and the reputation of the individual and ECC

Depending on the seriousness of the conflict, one or more of the following management strategies could be agreed:

1. Standing aside from any involvement in a particular project – when no alternative can be agreed upon, this will be the solution by default, provided that it does not go beyond the scope of the individual's contractual obligations
2. Not taking part in meetings, discussions and decision making in relation to certain matters.

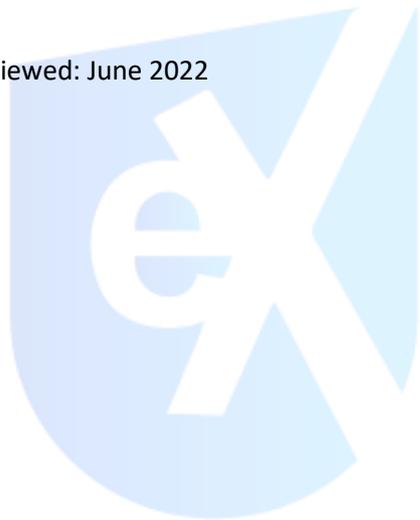


3. Appointment of an alternative member of staff to make decisions on specific matters
4. Resolving not to act as a particular person's Supervisor or Line Manager
5. Disclosure of all pertinent information to other relevant individuals. / Publishing a notice of interest. / Declaring an interest to a particular funder, sponsor or third party.
6. Divesting or placing in trust certain financial interests
7. Severance of relationships that create actual or potential conflicts - termination of involvement by others (e.g. a relative or friend) in the activity

7. Failure to Comply with the Policy

Failure to seek approval for and/or disclose complete and accurate information on Interests, or to appropriately manage a Conflict of Interest as agreed may constitute misconduct and result in disciplinary action in line with ECC's policies and procedures

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