

CONFLICT OF INTEREST POLICY

Section	University Governance and Management
Contact	Director Governance and Assurance
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Next Review	August 2030
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Background:

Massey University and its university community members have a variety of external relationships, which can provide benefits to the public as well as to the institution and those connected with it. At the same time, these wider relationships, duties and/or obligations have the potential to create situations where perceived and/or actual conflicts of interest may arise.

The existence of a conflict of interest does not imply wrongdoing, nor does it necessarily pose a problem. It simply needs to be promptly disclosed and appropriately managed.

Purpose:

The purpose of this policy is to ensure that all University Community Members (members) appropriately identify, disclose, and manage any actual, perceived, or potential conflicts of interest when acting on behalf of the University.

Policy:

A conflict of interest is any situation where the duties or responsibilities of a member could be seen to conflict with another interest they may hold outside of those duties or responsibilities. A conflict may also arise where an individual has multiple roles or commitments within the university itself.

1. Requirements for identification, disclosure and management:

- 1.1. Where a member considers there could be a situation where their personal interests or additional commitments and their university duties or responsibilities conflict (i.e. those interests overlap or intersect), then they must disclose this promptly to their line manager, and record this in writing using the Conflicts of Interest Disclosure Form.
- 1.2. Managers in receipt of a conflict of interest disclosure should ensure that an appropriate management plan is in place to manage the conflict of interest (see Guidelines for examples of ways to manage appropriately). This will include explicitly confirming compliance with requirements of any university policy or procedure that is relevant to the activity (such as the

Procurement Policy, the Research and Consultancy Activity Proposals Policy) or as required specifically in section 4 of this Policy. Details on the agreed actions to manage or avoid the conflict of interest must be recorded on the Conflict of Interest Disclosure Form and approved by the Head of School/Department. Managers can seek further guidance on appropriate management actions from their HR Advisor or the Director Governance and Assurance.

- 1.3. The member must take all appropriate steps to adequately manage the actual, potential or perceived conflict of interest, including in accordance with the agreed management plan and must withdraw from the situation which gives rise to the conflict of interest if directed to by their manager, Head of School/ Department, relevant SLT member or by the Director Governance and Assurance.
- 1.4. Managers must ensure that conflicts of interest involving members are identified, disclosed and managed appropriately.
- 1.5. Conflicts of Interest must be reviewed at least annually by the member and their manager, or sooner at the university's request, to ensure disclosures are up to date and that any associated management plan remains adequate in the circumstances.
- 1.6. All Council committees, the Senior Leadership Team, and other Massey University boards or committees that have significant decision-making authority must ensure their meeting agendas contain a standing agenda item requiring the disclosure by members of any actual, potential or perceived conflict of interest with regard to any item on that agenda or mandate of the relevant committee or board.
- 1.7. Disclosure only occurs when submitted on the university's Conflict of Interest Disclosure Form or formally notified to the Chair of the committee or board and recorded in the minutes. The fact that a matter may be known by others or is considered public knowledge is no substitute for disclosure in the specified manner.

2. Conflicts of Interest arising in meetings

- 2.1 Committee or board members must disclose to the Chair any conflict of interest with regard to any item on the agenda as soon as possible and in all cases, before that item is dealt with by the committee or board.
- 2.2 Chairs will determine how the conflict is to be managed and are required to ensure that any conflicts of interest dealt with in a meeting are recorded in the minutes of that committee or board meeting.

3. Appropriate management strategies

- 3.1 There are a range of potential options available to manage an actual or perceived conflict of interest, and examples are detailed in the associated Guidelines to this Policy. Further assistance can be provided by the Director Governance and Assurance.
- 3.2 Notwithstanding that a Conflict of Interest has been declared and a management plan agreed between the member and the Head of School/Department, the Director Governance and Assurance may determine that additional controls or management actions are necessary to

ensure the conflict is appropriately managed. In such cases, the management plan will be updated accordingly and resubmitted to all signatories for review and formal acceptance.

4. Management of conflicts in specific situations

- 4.1 The university strongly discourages intimate personal relationships between employees and students, and employees should avoid entering into an intimate personal relationship with a student at the university, particularly a student for whom they have responsibility. Such a relationship risks taking advantage of the intrinsic trust, power and status differential implicit in the employee-to-student relationship.
- 4.2 In general, a member and the Head of School/Department or the member and the Chair will agree on an appropriate management plan to mitigate risk associated with any actual, potential or perceived conflict of interest, however the situations detailed in this section must be managed as specified unless an appropriate alternate management strategy has been identified and agreed in accordance with section 5 below.

- a) In relation to **teaching, academic supervision, examination, assessment and/or where the member has responsibility for the pastoral care of a student** with whom they have a personal (non-intimate, but also where an intimate relationship already exists, previously existed, or has developed) or financial relationship, members must disclose this to their line manager.

Where such a relationship exists, the member must not have any direct teaching, examination or assessment responsibility, nor act as a supervisor to the student, unless deemed immaterial or appropriate.

Managers will need to consider the extent of the conflict and the potential for power imbalance, and real or perceived potential misuse of authority, favouritism or bias and develop management plans that appropriately manage the situation.

The disclosure (including where deemed immaterial or appropriate in the circumstances) must be made to the Head of School/Department (via the line manager) with agreed management actions recorded on the Conflicts of Interest Disclosure Form.

- b) In relation to **employment**, members must disclose to their line manager any personal or financial relationship with another person, where that member has financial management or supervisory responsibility for and/or may directly influence decisions in relation to that person. Such decisions include but are not limited to decisions about appointment, promotion, remuneration/reward, benefits, awards, leave or discipline.

In such situations, alternative arrangements for management and/or supervision must be made so as to avoid the conflict and protect the parties from any actual or perceived conflict of interest or bias. Managers should consult with their HR Advisor about such arrangements. The disclosure must be made to the Head of School/Department (via the line manager) and agreed management actions recorded on the Conflicts of Interest Disclosure Form.

[Note: Employees must not approve any payment requests (including invoices, wages, or other payments) submitted or initiated by another employee, supplier, or contracted party with whom they have a personal or financial relationship.]

- c) In relation to **recruitment**, hiring managers or members involved in any aspect of a recruitment process (including reviewing applicants for short listing or participating on interview panels), must disclose to their line manager and/or hiring manager (as appropriate) any personal relationship or known affiliation with a candidate, beyond an existing working relationship if the candidate is a current employee (appropriate measures must still be undertaken to avoid potential for bias or preferential treatment).

In such situations, depending on the degree of interest or overlap, the manager/hiring manager must make suitable arrangements to avoid or manage the conflict appropriately. Managers should consult with their Recruitment or HR Advisor about such situations. The disclosure must be made to the Head of School/Department (via the line manager) and agreed management actions recorded on the Conflicts of Interest Disclosure Form. Where the conflict is mitigated or managed by removal of the member from the recruitment process, this should be record in writing to ensure the integrity of the recruitment process.

- d) Members must disclose to their line manager any **personal relationship to suppliers or potential suppliers of goods or services to the university** where that relationship has the potential to create or to be perceived to create a conflict of interest with the member's employment duties or the university's wider interests.

Managers must ensure plans are established that enforce appropriate segregation of duties and removal from any decision-making processes in respect of the supplier. The disclosure must be made to the Head of School/Department (via the line manager) with agreed management actions recorded on the Conflicts of Interest Disclosure Form.

Separate conflicts of interest disclosure processes are maintained for new suppliers of goods and services to the university (via the new supplier process), and for any members or external advisors, selected to serve in any capacity on a **tender evaluation panel**. The Strategic Procurement and Contracts Office will manage and maintain conflict of interest disclosure processes associated to procurement activities.

- e) Members undertaking **private research or consultancy** work must comply with the Research and Consultancy Activities Policy and Procedures. This requires that employees who intend to undertake Private research or consultancy activities disclose their proposed research with their Head of Unit prior to commencing the research.

Disclosure of such private research or consultancy and agreed management actions (confirming adherence to the requirements of the Policy and Procedures) should be recorded on the Conflicts of Interest Disclosure Form and submitted to the Head of School/Department (via the line manager).

f) Directorships, and commercial relationships

Employees are required to seek permission of their Head of Department prior to becoming directors of any public or private companies, including university spin-out companies, or becoming partners or principals in commercial firms or partnerships, or becoming retained advisers to commercial organisations - where that involvement has the potential to create or to be perceived to create a conflict of interest with the employee's employment obligations or the university's wider interests.

Permission will be granted only where there are sufficient measures in place to avoid, remove or adequately manage any actual or perceived conflict. Permission to hold such positions must be reviewed at least every two years and whenever a commercial appointment is renewed or reviewed.

Disclosure of such positions must be recorded on the Conflicts of Interest Disclosure Form and submitted to the Head of Department (via the line manager).

g) Appointments to Boards, public bodies, professional bodies or committees

Employees accepting appointment (whether paid or unpaid) to any public board, committee or professional body in fields related to their teaching, research, or other specialist area of their work at the university must inform their Head of School/Department.

Should the involvement required impinge or have the perceived or real potential to impinge on their employment obligations, permission must be sought from the Head of School/Department in advance of acceptance. Equally, if the duties attached to the position increase at a later stage, after acceptance, the matter must be reviewed with their line manager.

Disclosure of such positions (in fields related to their teaching, research, or other specialist area of their work at the university) must be recorded on the Conflicts of Interest Disclosure Form and submitted to the Head of School/Department (via the line manager).

h) Teaching Services for other Institutions

Employees who are responsible for the creation, delivery and/or examination of any paper taught at the university must not give tuition in the same or related subject under the auspices of another education provider, except where those services form part of an agreement between Massey University and that education provider. Examination and assessment duties, together with arrangements approved by Massey in connection with university duties overseas, are exempt from this provision. Where in doubt such arrangements should be discussed with the line manager prior to the activity commencing and must be recorded on the Conflicts of Interest Disclosure Form and submitted to the Head of School/Department (via the line manager) for approval.

i) Secondary Employment/Employment outside of the University

The university recognises that employees may wish to obtain secondary employment or self-employment. However, external employment/work must not prevent employees from being able to effectively perform the duties of their role(s) at the university. This includes physical aspects,

such as fatigue, as well as where the interests of the other employment may or may not conflict with the employee's duty of fidelity to the University. Such arrangements should be discussed with the line manager prior to the activity commencing and must be recorded on the Conflicts of Interest Disclosure Form and submitted to the Head of School/Department (via the line manager) for approval.

5. Te Tiriti o Waitangi alignment

- 5.1 Massey University is a Tiriti-led organisation committed to upholding Te Tiriti o Waitangi and its provisions and principles, including kāwanatanga (good governance), tino rangatiratanga (Māori authority and self-determination), and active protection of taonga and tikanga.
- 5.2 The university recognises that Māori relationships and responsibilities such as whanaungatanga, manaakitanga, and collective obligations may influence how conflicts of interest are identified and managed. Members are expected to disclose and manage actual, potential, or perceived conflicts in a way that is culturally responsive, fair, and transparent, and to ensure that management plans are clearly documented. Where a tikanga led approach is sought, staff should seek guidance from the Head of School or relevant SLT member in consultation with the Office of the DVC Māori to ensure that tikanga and Māori interests are upheld.

Raising concerns:

Where it is not clear that a conflict of interest exists or could be perceived to exist, or if there is uncertainty about what should be disclosed - this should be raised with the Head of School/Department of the person with the conflict. As a general rule – if in doubt it is always better to disclose an actual, potential or potentially perceived conflict of interest and be transparent about the situation at the earliest opportunity.

Where any person has a concern about an actual, potential or perceived conflicts of interest including suspected impropriety in relation to disclosure/nondisclosure of interests or the management of declared interests they can raise this with their Head of School/Department, SLT member or with the Director Governance and Assurance, who may confirm the requirement for disclosure, and specify appropriate management actions to manage the conflict.

If the impropriety meets the threshold of Serious Wrongdoing it may also be raised as a Protected Disclosure [refer to the Protected Disclosure Policy for details].

Applicability:

This Policy applies to university community members, including employees and contractors, members of the Massey University Council, members of university committees and boards (including students where applicable), honorary and adjunct appointees, of either Massey University or its Controlled Entities where acting on behalf of Massey University.

Definitions:

Conflict of interest: Any situation where the duties or responsibilities of an employee or office holder of the university, could be seen to conflict with some other interest they might have outside of those duties or

responsibilities. A conflict may also arise where an individual has multiple roles or commitments within the university. The term conflict of interest includes any actual, potential or perceived conflict of interest.

Employee: Refers to an individual employed by Massey University, or its subsidiaries, on a full or part time basis.

Member(s): includes all Council members, members of committees and boards (including student members), staff members, honorary and adjunct appointees, contractors, subcontractors, consultants, associates and business partners of the University (as the case may be).

Relevant Legislation:

Education and Training Act 2020

Local Authorities (Members Interests) Act 1968

Companies Act 1993

Legal Compliance:

- **Employment Relations Act 2000:** Section 4 requires that Parties to employment relationship to deal with each other in good faith. It establishes a duty of good faith that requires all parties to employment relationships—employers, employees, and unions—to engage with each other honestly, transparently, and constructively. It prohibits conduct that is misleading or deceptive, directly or indirectly, and emphasises the need for information-sharing and consultation where decisions may adversely affect employment.
- **Education and Training Act 2020** Section 267(2) states: “In exercising their academic freedom and autonomy, institutions must act in a manner that is consistent with: (a) the need for institutions to maintain the highest ethical standards and the need to permit public scrutiny to ensure the maintenance of those standards; and (b) the need for institutions to be accountable and make proper use of resources allocated to them.”

Schedule 11, section 8 requires that a council member or a council committee member who has an interest in a matter being considered or about to be considered by the council or the committee must, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a meeting of the council or the committee.

- **Local Authorities (Members Interests) Act 1968** applies to the Council of Massey University. Section 6 precludes any member discuss or voting on a question in which s/he has a pecuniary interest. This obligation also applies to controlled entities and committees of the university.
- **Companies Act 1993**
A director who is interested in a transaction or proposed transaction with the company must disclose the nature and value (or extent) of the interest (unless the transaction is between the director and the company and is in the ordinary course of business on usual terms and conditions). The disclosure

must be made in the interests register and to the board. Standing disclosures may be made. Certain exceptions apply, including in relation to subsidiaries and remuneration.

Related Procedures/documents:

Conflict of Interest Disclosure Form

Conflict of Interest Guidelines

Managing Conflicts of Interest: Guidance for public entities, Office of the Auditor General 2007

Progressive Procurement Policy and Procurement Procedures

Research and Consultancy Activities Policy and Procedures

Kaupapa Here Tiriti o Waitangi – Tiriti o Waitangi Policy

Document Management Control:

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