

CONTENTS

1	PURPOSE.....	1
2	SCOPE.....	1
3	POLICY STATEMENT	2
	What is a conflict of interest	2
	General expectations	2
4	PROCEDURE	3
	Identifying conflicts of interest.....	3
	Conflict of interest categories.....	4
	Disclosing conflicts of interest.....	5
	Managing conflicts of interest	6
	Monitoring conflicts of interest	7
	Failure to disclose a conflict of interest.....	7
	Privacy and confidentiality	7
	Public Interest Disclosures (whistleblowing).....	7
5	RESPONSIBILITIES	7
	Compliance, monitoring and review.....	7
	Reporting.....	7
	Records management.....	7
6	DEFINITIONS	7
	Terms and definitions.....	8
7	RELATED LEGISLATION AND DOCUMENTS.....	8
8	FEEDBACK.....	9
9	APPROVAL AND REVIEW DETAILS.....	9
10	Appendices	10
	Appendix A – Conflicts of interest examples.....	10
	Appendix B – Conflict of interest identification checklist.....	12

1 PURPOSE

- 1.1 CQUniversity values openness and promotes transparency in processes, procedures and decision-making and emphasises consistency, fairness and probity as integral to our relationships, individual and collective, with all stakeholders. University members should avoid ethical, legal, financial, personal relationships or other conflicts of interest, and ensure that their activities and interests do not conflict with their obligations to the University.
- 1.2 This policy and procedure outlines the responsibilities and process for identifying, disclosing and managing conflicts of interest at CQUniversity.

2 SCOPE

- 2.1 This policy and procedure applies to University members, which include:
 - members of the University Council and Committees
 - an office holder in a University entity
 - adjunct or honorary appointees of the University

- CQUniversity employees, and
- any other person/s appointed or engaged by the University to perform duties or functions on its behalf.

3 POLICY STATEMENT

- 3.1 The University recognises that a well-established system for identifying, disclosing and managing conflicts of interest increases its public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes. The University also recognises that conflicts of interest are not unusual in the exercise of public responsibility and cannot always be avoided.
- 3.2 Conflicts of interest are not wrong in themselves, cannot always be avoided, and the potential for a conflict of interest exists in all aspects of University operations, including research, teaching, assessment, staffing, administration, and commercial activity. Conflicts may be actual, potential or perceived by others. With increasing links between the University and other organisations, companies and institutions, it is important that University members act and are seen to act with integrity and are not inappropriately benefited by improperly using their position in the University.

What is a conflict of interest

- 3.3 A conflict of interest is a conflict between a University member's official duties to act in the best interests of the University, and their private interests. A conflict of interest exists whether it is:
- actual – it currently exists
 - potential – it may arise, given the circumstances, or
 - perceived – it could reasonably be viewed that a conflict exists, or could arise, that may improperly influence the performance of a University member's duties now or in the future.

Private interests

- 3.4 A private interest can be direct or indirect:
- A direct interest is a conflict of interest by a University member.
 - An indirect interest is a conflict of interest held by a relative or close associate of a University member, for example:
 - an immediate family member (e.g. spouse, partner, child, parent, siblings)
 - a regular household member (e.g. someone who normally resides with the University member), or
 - another close associate (e.g. friend, relative, business associate, rival, enemy).
- 3.5 A private interest can also be financial, non-financial, or a mixture of both:
- Financial interest – includes actual, potential or perceived financial gain or loss. Money does not need to change hands. Examples of financial interest can be found in [Appendix A](#).
 - Non-financial interest – may arise from personal or family relationships or from involvement in sporting, social or cultural activities. They include a tendency towards favour or prejudice resulting from friendship, animosity or other personal involvement with another person or group. A non-financial interest also includes a personal relationship. A personal relationship may involve:
 - family relationships (siblings, parent/child, husband/wife, de facto spouses, partner, cousins, relations by marriage such as brother- or sister-in-law)
 - emotional relationships (including sexual relationships and close friendships), or
 - financial relationships (commercial relationships where pecuniary interest is present).

General expectations

- 3.6 The University has a responsibility to ensure that its official activities and those of its members conform to acceptable standards of integrity and good conduct. The University expects:
- all members to act with honesty and integrity

- members will not allow their external, personal or financial interests or their duties to any external entity to compromise their duties, obligations and responsibilities to the University
- all conflicts of interest, regardless of their character or level, will be identified, disclosed and managed
- any gifts, benefits, sponsorship, hospitality or service will not be accepted if the intention is to influence current or future behaviour of an individual or School/Directorate within the University (see also [Gifts and Benefits Policy and Procedure](#)). The preservation of academic and professional independence is a paramount consideration and should be made clear to potential sponsors
- where a conflict of interest occurs, the interests of the University will be balanced against the interests of the member. Unless exceptional circumstances exist, the balance of interests will be resolved in the University's favour, and
- Managers, when notified of a conflict of interest, will deal promptly with the conflict as per this policy and procedure and put in place arrangements that protect the integrity of the University's processes and decision-making.

4 PROCEDURE

Identifying conflicts of interest

- 4.1 University members must ensure that any conflicts between their private interests and their University duties are promptly identified and managed.
- 4.2 To identify a conflict of interest, as a guide, use the 'trust test' – would others (e.g. employer, students, colleagues, or the general public), trust my judgement if they knew I was in this situation? The [Conflict of Interest Identification Checklist](#) (Appendix B) may also assist identifying whether a conflict of interest exists.
- 4.3 If there is uncertainty about whether a conflict of interest exists advice must be sought from the University member's supervisor.

High risk areas

- 4.4 There are a number of areas of University activity that are deemed high risk. These include, but are not limited to:
 - procurement processes, tenders and contracts
 - gifts, hospitality and other benefits
 - recruitment, selection, appointment, re-classification, termination, tenure, promotion, performance management, employee development, conditions of service, recognition and reward
 - student recruitment, selection, admission to university and awarding of scholarships
 - assessment or supervision of students
 - personal relationships
 - exercising financial and other delegations
 - sponsorships to or from the University
 - private practice arrangements
 - all commercialisation activities [consultancy and commercial research, technology transfer (including collaborative research, licensing, patents, material transfer), enterprise and related activities]
 - research activities, including disclosure to funding bodies and for individuals responsible for carrying out any part of an investigation of an allegation of research misconduct
 - providing ethical or other approval to researchers for intended projects, and
 - funding from commercial entities for educational activities, where the funder may exert undue influence on participants for current or future commercial gain.

Conflict of interest categories

4.5 Conflicts of interest at CQUniversity can be categorised into:

- personal relationship
- research
- financial interest
- conflict of commitment, or
- other.

Examples of conflicts of interest for each category are provided in [Appendix A](#).

Personal relationship

- 4.6 This conflict of interest category includes any personal relationship as described in section 3.5.
- 4.7 Personal relationships should not intrude, or be perceived to intrude, on or influence working practices and decisions.
- 4.8 University members must disclose actual, potential or perceived conflicts of interest arising from the existence of a personal relationship. This requirement is based on the potential for, or perception of, a decision being considered biased or prejudiced, either in favour of or against, a person with whom there is a personal relationship. The University will ensure that no undue advantage or disadvantage occurs because of the existence of a personal relationship.
- 4.9 University members must immediately cease to be involved in any decision making in respect of the person with whom they have a personal relationship until their supervisor determines how the conflict of interest should be managed.
- 4.10 University members must not directly supervise immediate family members. Alternative arrangements must be discussed with the relevant supervisor should this situation arise in order to avoid such a conflict.

Research

- 4.11 This conflict of interest category is relevant for conflicts of interest relating to a research or research higher degree project or course, including conflicts relating to ethical approvals.
- 4.12 Compliance with the [Australian Code for the Responsible Conduct of Research](#), the [National Statement on Ethical Conduct in Human Research](#), and, where relevant, the [Australian Code for the Care and Use of Animals for Scientific Purposes](#) is a condition of research funding from most bodies (including the Australian Research Council (ARC) and National Health and Medical Research Council (NHMRC)). The Australian Code and National Statement outline the responsibilities of institutions and researchers with regards to conflicts of interest.
- 4.13 A researcher who fails to appropriately handle a conflict of interest may be subject to action under either the University's [Code of Conduct for Research](#) (where a simple breach of the research ethics arrangement is involved) or [Student Research Misconduct Policy and Procedure](#) where research misconduct by a student is demonstrated.
- 4.14 Where there is any discrepancy between this policy and procedure and the above Australian Codes/Statement the requirements of the Australian Codes/Statement take precedence.

Financial interest

- 4.15 This conflict of interest category is relevant for any financial gain or loss. Money does not need to change hands for this to be considered a conflict of interest.

Conflict of commitment

- 4.16 This conflict of interest category is relevant for University members who may have a conflict with either a paid activity, employment, or commitment that may interfere with their primary obligation and commitments to the University.
- 4.17 Examples of this category include:
- an employee having additional employment outside of the University
 - serving as the Director of a company controlled by the University
 - a University member bidding with or against the University for contracts, or
 - a University member tendering or engaging for consultancy work.
- 4.18 Employees must ensure they comply with the [Paid Outside Work Procedure](#).

Disclosing conflicts of interest

Council and Council Sub-Committees

- 4.19 Members of the University Council are required to disclose to the Council any conflict that may arise between the member's personal interests and interests of the University under section 26A(c) of the [Central Queensland University Act 1998](#) (Qld).
- 4.20 Members of Council Sub-Committees are required to disclose to the Committee any conflict that may arise between the member's personal interests and the interests of the University.
- 4.21 As per the [Council Charter](#), members of Council and Council Sub-Committees are required to complete the [Declaration of Interest Questionnaire](#) annually. This form, along with the University Council and Council Sub-Committee Members Conflict of Interest Register will be managed by the University Secretary.

Committees

- 4.22 Members of a University Committee must adhere to the process identified in the relevant Committee's Terms of Reference.
- 4.23 Committee members must declare any conflict of interest to the Chair and either the Chair or Committee will decide whether the member will be excused from committee discussions and deliberations on that matter or whether the member must not be present at all when the committee considers that matter.

Employees

- 4.24 A conflict of interest disclosure only occurs when submitted on the Disclosure Statement. The fact that a matter may be known by others, or is considered public knowledge, is no substitute for disclosure on the required form. It is the employee's responsibility to ensure a Disclosure Statement is submitted, and is updated when required. Supervisors are to remind employees of their obligation to submit a Disclosure Statement.
- 4.25 Disclosures about conflicts of interest must be made as soon as reasonably practicable via the [Conflict of Interest Disclosure Statement Form](#) or the [Conflict of Interest Disclosure Statement Form \(Research Higher Degrees\)](#).
- 4.26 An appropriate management strategy should be discussed and agreed upon with the employee's supervisor, and the signed form submitted to the employee's relevant Senior Officer for approval.
- 4.27 The completed Disclosure Statement must be sent to the Corporate Governance Directorate to include in the University Conflict of Interest Register. The Corporate Governance Directorate will register the Disclosure Statement and then forward it to the People and Culture Directorate for inclusion in the employee's personnel file.
- 4.28 Disclosure Statements must be reviewed be annually.

Other University members

- 4.29 Where an officer holder in a University entity, adjunct or honorary appointee of the University, or other person/s appointed or engaged by the University identifies a conflict of interest they must disclose the interest complete the [Conflict of Interest Disclosure Statement Form](#) and forward to their primary University contact to discuss an appropriate management strategy. In this situation, the members' primary University contact will be considered the supervisor.
- 4.30 Once an appropriate management strategy has been discussed and agreed upon, the signed form should be submitted to the relevant Senior Officer for approval.
- 4.31 The completed Disclosure Statement must be sent to the Corporate Governance Directorate for inclusion in the University Conflict of Interest Register.
- 4.32 Disclosure Statements must be reviewed annually.

Managing conflicts of interest

- 4.33 Council and Committee member conflicts of interests are managed in accordance with the process outlined in the Council Charter or Committee Terms of Reference. Managing this type of conflict includes declaring the interest, and the Chair or Committee deciding whether the member should be excused from discussions on that matter.
- 4.34 All other types of conflicts of interests are managed by implementing a management strategy. This strategy should be determined between the member and supervisor, and approved by the relevant Senior Officer on the Conflict of Interest Disclosure Statement Form. The four recommended responses are:
- avoid
 - accept and reduce
 - share, or
 - retain.

Avoid the conflict of interest

- 4.35 Avoiding a conflict of interest which poses an unacceptable risk to, or impact on, the University's interests is the preferred strategy.
- 4.36 To avoid a conflict of interest, the University member may be removed from the decision-making process in relation to the matter concerned or requested to relinquish the private interest which is creating the conflict.

Accept and reduce the conflict of interest

- 4.37 A conflict of interest may be reduced by ensuring that the member has restrictions placed on their involvement in the relevant matter, or that another member or organisational area takes responsibility for the matter.

Share the conflict of interest

- 4.38 A conflict of interest may be shared by involving a third party to oversee part or all of the decision-making process that deals with the relevant matter.

Retain the conflict of interest

- 4.39 A conflict of interest may be retained and the member continues to be involved in the matter concerned, subject to a regular review of the situation. This response is only suitable for low risk conflicts of interest.

Monitoring conflicts of interest

- 4.40 All disclosed interests, including interests declared by Council members, must be reviewed and approved on at least an annual basis to ensure that the information remains correct, and that the management strategy continues to be appropriate and effective.

Failure to disclose a conflict of interest

- 4.41 Employees have an obligation to disclose and manage conflicts of interest. Failing to comply with this policy and procedure, including refusal to take any reasonable action as directed to resolve a conflict of interest, may constitute misconduct or serious misconduct which may result in disciplinary action or termination of employment.
- 4.42 When an external member is involved in University decisions they need to abide by CQUniversity policies and procedures.
- 4.43 Breaches of this policy and procedure may result in referral to, and action being taken by, an external statutory authority and/or agency.

Privacy and confidentiality

- 4.44 Information arising from conflict of interest disclosures will be managed in accordance with the University's [Information Privacy Policy and Procedure](#).
- 4.45 Information held may be used for University purposes including audit, reporting, compliance monitoring, and other purposes required by government or legislation.

Public Interest Disclosures (whistleblowing)

- 4.46 If a University employee has knowledge that a conflict of interest may exist that may not have been disclosed, they should discuss the situation with a relevant supervisor or Manager, or consider taking action under the University's [Public Interest Disclosure Management Policy and Procedure](#).

5 RESPONSIBILITIES

Compliance, monitoring and review

- 5.1 The Director, Corporate Governance is responsible for implementing, monitoring, reviewing, and ensuring compliance with this policy and procedure.
- 5.2 The Director, People and Culture is responsible for ensuring all employees are aware of their responsibilities regarding conflicts of interest, and that disclosure forms completed by employees are kept and maintained in their personnel file.

Reporting

- 5.3 No additional reporting is required.

Records management

- 5.4 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 5.5 University records must be retained for the minimum periods specified in the University Sector Retention and Disposal Schedule on the [Queensland State Archives website](#).

6 DEFINITIONS

- 6.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Conflict of interest: where there is a conflict between a University member's official duties to act in the best interests of the University, and their private interests. A conflict of interest may be actual, perceived or potential. Refer to section 3.3 for more information.

Official duties: the role, duties and responsibilities expected by the University of the University member.

Private interests: a private interest may be direct or indirect, or financial or non-financial. A non-financial private interest may also include a personal relationship. Refer to sections 3.4 and 3.5 for more information.

Senior officer: officers delegated to approve the disclosure and management of conflicts of interests. Senior officers at CQUniversity are:

- Vice-Chancellor and President
- Provost
- Senior Deputy Vice-Chancellor
- Deputy Vice-Chancellor
- Dean, School of Graduate Research (for Research Higher Degrees Disclosure Statement Forms only)

A Senior Officer may delegate this responsibility to the following positions reporting directly to them:

- Pro Vice-Chancellor
- Dean of School, or
- Director of organisational area.

If a Senior Officer (or delegate) is disclosing a conflict of interest, their immediate supervisor will be the Senior Officer. Conflicts of interest affecting the Vice-Chancellor and President must be disclosed to and approved by the Chancellor.

University members: a member of the University community which must adhere to this policy and procedure. University members include:

- members of the University Council and Committees
- an office holder in a University entity
- adjunct or honorary appointees of the University
- CQUniversity employees, and
- any other person/s appointed or engaged by the University to perform duties or functions on its behalf.

7 RELATED LEGISLATION AND DOCUMENTS

[Annual Declaration of Interest Letter and Questionnaire](#)

[Australian Code for the Care and Use of Animals for Scientific Purposes](#)

[Australian Code for the Responsible Conduct of Research](#)

[Central Queensland University Act 1998](#) (Qld)

[Code of Conduct](#)

[Code of Conduct for Research](#)

[Conflict of Interest Disclosure Statement Form](#)

[Conflict of Interest Disclosure Statement Form \(Research Higher Degrees\)](#)

[Council Charter](#)

[Crime and Corruption Act 2001](#) (Qld)

[Gifts and Benefits Policy and Procedure](#)

[National Statement on Ethical Conduct in Human Research](#)

[Paid Outside Work Procedure](#)

[Public Interest Disclosure Management Policy and Procedure](#)

[Public Sector Ethics Act 1994 \(Qld\)](#)

[Student Research Misconduct Procedure](#)

8 FEEDBACK

8.1 Feedback about this document can be emailed to policy@cqu.edu.au.

9 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Council
Advisory Committee to Approval Authority	Audit, Risk and Finance Committee
Administrator	Deputy Vice-Chancellor (Student Experience and Governance)
Next Review Date	23/08/2022

Approval and Amendment History	Details
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Amendment Authority and Date	Council 26/09/2011 (policy); Council 27/04/2016 (combined policy and procedure); Administrator Approval – Deputy Vice-Chancellor (Student Experience and Governance) 10/03/2017; Council 23/08/2019.
Notes	

CQUniversity acknowledges [Federation University](#), [University of Sunshine Coast](#) and the [University of Melbourne](#) in the development of this policy and procedure.

10 Appendices

Appendix A – Conflicts of interest examples

Below is a list of some possible examples of conflicts of interest. This is not an exhaustive list.

Personal relationship

- 10.1 A member with decision making powers over the selection for admission into a University course participates in the eligibility assessment of a student with whom they have a close personal relationship.
- 10.2 An academic member is involved in teaching or assessing a student who is a relative, family or person friend.
- 10.3 A member responsible for selection, assessment, or supervision of a student's work also has a personal or family relationship with that student.
- 10.4 A member with responsibility on an academic peer review panel has a personal or family relationship with the academic that could influence or be perceived to influence a decision.
- 10.5 A member with decision making powers over employment is involved in the recruitment, promotion, reclassification, evaluation, or grievance process with a current or prospective member with whom they have, or have had, a personal or financial relationship.
- 10.6 A member employs a family member or close associate to undertake sessional academic work or casual administrative work periods without undertaking a merit-based selection process.

Research

- 10.7 In academic research, the term conflict of interest refers especially to situations in which financial or other personal considerations may compromise, or may have the appearance of compromising, an investigator's professional judgement in conducting or reporting research. This can affect collection, analysis and interpretation of data, hiring of employees, procurement of materials, sharing of results, choice of protocol, and the use of statistical methods.
- 10.8 An author, reviewer, or editor has personal convictions, financial interests, or personal relationships which may influence their decision making during the peer review and publication process.
- 10.9 A supervisor has a personal relationship with a research student under their supervision.
- 10.10 A researcher or member of their immediate family is a user of a community service being evaluated.
- 10.11 The researcher is an employee of the organisation the research will be commenting upon.
- 10.12 The research has affiliations or memberships (e.g. clubs, political parties, religious groups) that are relevant to the research topic.
- 10.13 The researcher has a family, personal or other relationship with research subjects or participants.
- 10.14 A member audits the performance of a research project where they are or have been an investigator or participant of the project.
- 10.15 An investigator or research candidate has a private interest in an organisation providing funding support to a research project (or candidate) such as through a grant or scholarship.
- 10.16 A member conducts research or clinical trials sponsored by a company in which the employee (or associate) has a financial interest or holds an executive position.

Financial interest

- 10.17 A financial delegate approves payments to themselves or to someone with whom they have a personal relationship.
- 10.18 A member receives gifts, gratuities, loans, or special favours (including trips or speaker fees) from research sponsors or vendors.
- 10.19 A member directly received cash, services, or equipment in support of their University activities from non-University sources.
- 10.20 A member with decision making powers in relation to a tender offered by the University accepts a gift or hospitality from a person associated with a company which is tendering for the work from the University.
- 10.21 A member or a member of their immediate family has a direct or indirect financial interest, or holds a directorship, in a company or other entity which supplies, or is likely to supply, goods and/or services to the University, or which operates in competition with the University.
- 10.22 A member takes part in assessing a tender application where they have, or have had, a personal relationship with a person or organisation that has submitted a tender application.
- 10.23 Selection as a University supplier by a member who has a personal or economic interest in that entity, including engaging a family member as an independent contractor, subcontractor, or consultant.

Conflict of commitment

- 10.24 A member has multiple official roles (such as being an officer of the University and serving as the Director of the company controlled by the University).
- 10.25 A member who is the Director of a company that the University is bidding with or is bidding against for contract research funds.
- 10.26 A member holds an equity interest or executive position in a start-up company that has a contractual arrangement with the University to conduct further research.
- 10.27 A member or close associate holds an interest, including ownership, in any real or personal property leased or purchased by the University.
- 10.28 A member undertakes paid/unpaid outside work that impacts on their ability to fulfil their duties and obligations to the University.
- 10.29 An employee tenders for and engages in consultancy work as an individual rather than as a University employee, and approval was not obtained under the [Paid Outside Work Procedure](#). For example, an employee undertakes private tutoring of University students in circumstances where this could be reasonably expected to be part of their normal teaching duties.

Other

- 10.30 A member uses information received as a University member for personal purposes.

Appendix B – Conflict of interest identification checklist

This checklist assists University members to determine if they may have an actual, potential or perceived conflict of interest. This form is for members' own personal use, but if after completing the form there are any doubts about the conflict of interest it is always best to disclose the interest.

Consider the following:

1. The matter or issue being considered and the specific situation in which you are involved.
2. What are your professional duties to the University?

What perceptions could others have?

- What assessment would a fair-minded member of the public make of the circumstances?
- Could my involvement in this matter cast doubt on my integrity or on the University's integrity?
- If I saw someone else doing this, would I suspect that they might have a conflict of interest?
- If I did participate in this action or decision, would I be happy if my colleagues and the public became aware of my involvement and any association or connection?
- How would I feel if my actions were highlighted in the media?
- Is the matter or issue one of great public interest or controversy where my proposed decision or action could attract greater scrutiny by others?

Making an assessment

To make an assessment use the 'trust test' as a guide:

Would others (e.g. employer, students, colleagues or the general public), trust my judgement if they knew I was in this situation?

What is the situation?

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Would I, or anyone associated with me, benefit from or be detrimentally affected by my proposed decision or action?
<input type="checkbox"/>	<input type="checkbox"/>	Could there be benefits for me in the future that could cast doubt on my objectivity?
<input type="checkbox"/>	<input type="checkbox"/>	Do I have a current or previous personal, professional or financial relationship or association of any significance with an interested party?
<input type="checkbox"/>	<input type="checkbox"/>	Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
<input type="checkbox"/>	<input type="checkbox"/>	Do I, or a relative, friend or associate of theirs, stand to gain or lose financially in some covert or unexpected way?
<input type="checkbox"/>	<input type="checkbox"/>	Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with this matter?
<input type="checkbox"/>	<input type="checkbox"/>	Have I contributed in a private capacity in any way to the matter the University is dealing with?
<input type="checkbox"/>	<input type="checkbox"/>	Have I made any promises or commitments in relation to the matter?
<input type="checkbox"/>	<input type="checkbox"/>	Have I received a benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?

- Am I member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?
- Could this situation have an influence of any future employment opportunities outside my current official duties?
- Could there be any other benefits or factors that could cast doubts on my objectivity?
- Would a reasonable member of the community be confident of my ability to act impartially and in the interests of my profession and the University?
- Do I still have any doubts about my proposed decision or action?

Making a decision

This checklist is designed to help you determine whether you have a conflict of interest. There is no specific cut off to the number of answers that qualify you as having a conflict. If after completing the exercise, you feel that you have an actual, potential or perceived conflict, please complete the following:

- [Conflict of Interest Disclosure Statement Form](#) (for employees and other University members not listed below)
- [Conflict of Interest Disclosure Statement Form \(Research Higher Degrees\)](#) (for research higher degrees employees only)
- [Annual Declaration of Interest Letter and Questionnaire](#) (for Council members), or
- disclose at the relevant Committee meeting, for consideration by the Chair and/or Committee and recording in the meeting minutes.

CQUniversity acknowledges the [University of Melbourne Office of Research Ethics and Integrity](#) in the development of this checklist.