Est. 1841 | YORK ST JOHN UNIVERSITY

Conflicts of Interests Policy

1. Scope of the Policy

1.1 This policy is relevant for every individual employed by, or working for, the University, including (but not limited to): members of the Board of Governors and its sub-Committees, all staff members, external examiners, assessors and advisors, those undertaking consultancy work for the University and anyone on a contract for service with the University ("Individual(s)").

1.2 Any reference in this Policy to an "Individual(s)" includes any person within the scope of this Policy.

1.3 This Policy applies in addition to, and does not in any way replace, the requirement for staff members to seek permission to undertake certain activities as part of or in addition to their usual job role, as set out in their terms and conditions of employment.

1.4 The University has additional detailed procedures in place for managing specific conflicts of interest in certain areas, as set out in Table A. This policy does not seek to replace the procedures set out in Table A.

1.5 Individuals are also required to comply with related policies (as applicable) as listed in Section 10.

2. Purpose

2.1 As a recipient of public and other funding, the University is committed to upholding exemplary standards of financial due diligence, corporate governance and ethical conduct.

2.2 This Policy is designed to identify and manage situations where personal, financial or other interests may compromise, or be perceived to compromise, the integrity or impartiality of decisions made by, or on behalf of, the University. Adherence to the Policy is intended to eliminate the risk of undue influence or perceived impropriety in connection with the activities, decisions or judgements of the University, including operational, academic, commercial or strategic decisions.

2.3 Any decision or judgement that may materially affect the University's reputation, financial position, legal compliance or academic standing must be considered in conjunction with this policy. If there is any doubt about whether a judgement or activity falls within this policy, staff should seek advice from the Governance & Compliance team (gov.compliance@yorksj.ac.uk).

3. Policy Statement

3.1 The University conducts its business in accordance with:

- the seven principles identified by the Committee on Standards in Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership); and,

- the guidance to universities from the Committee of University Chairs in its Higher Education Code of Governance.

3.2 The University is committed to ensuring that high levels of integrity apply in all areas of its operations and that all activities are conducted in an honest and transparent manner.

3.3 All Individuals are responsible for:

- recognising situations in which they encounter a conflict of interest or where the potential for such conflict exists;

- disclosing these situations to the University; and,

- taking necessary actions to manage each conflict of interest as per the outlined general procedures (see Identifying a Conflict of Interest below). Certain Individuals, by virtue of their roles within the University or the nature of their responsibilities, carry additional obligations under this Policy. These obligations are subject to distinct procedures that necessitate an annual mandatory disclosure, even if it entails a Nil Return (see Table A (B-E) below).

4. Identifying a Conflict of Interest

4.1 A conflict of interest exists when the duty owed by an individual to act in the best interests of the University conflicts, or may conflict, with:

(1) a personal, financial or other interest, duty or loyalty owed by that individual to another organisation or person; or,

(2) an interest of a connected person, being a person external to the University with whom the individual has a personal or business connection. This can include, but is not limited to:

- family members;
- friends;
- collaborators (e.g. in other universities, charities, or other organisations); and,
- business associates and partners.

4.2 If conflicts of interest are not properly identified and managed, they undermine confidence in decision-making at the University, may result in actual or perceived loss and/or damage to the University, and could result in the University being in breach of legal and/or regulatory obligations.

4.3 A conflict of interest can be actual, perceived or potential as described below:

(1) An **actual** conflict of interest is one which clearly compromises the ability to discharge the individual's duty to the University.

(2) A **perceived** conflict of interest is one which a reasonable person would consider likely to compromise the ability to discharge the individual's duty to the University.

(3) A **potential** conflict of interest is one which could develop into an actual or perceived conflict of interest.

4.4 Types of interests include:

- **Financial**: where an individual may receive direct financial benefits from the consequences of a University decision (e.g., a director, partner of shareholder of an organisation, or in receipt of a financial benefit from them).

- **Non-financial professional**: where an individual may obtain a non-financial professional benefit from the consequences of a University decision (e.g., increasing their professional reputation).

- **Non-financial personal**: where an individual may benefit personally from a University decision in ways which are not directly linked to their professional career and do not lead to a direct financial benefit (e.g., a voluntary consultant for a provider or a member of a political party).

- **Indirect**: where an individual has a close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest in a University decision (e.g., a relative, close friend or business partner).

4.5 All Individuals are responsible for identifying circumstances in which they have, or could be perceived to have, a conflict of interest and bringing this to the attention of the University.

4.6 A staff member's "interests" encompass any engagement or association that could potentially, actually, or be perceived to, influence matters relating to the University's operations and affairs. This applies to both corporate and academic matters. These interests extend to the member of staff directly employed by or representing the University, as well as their family, partner, close friends, and other internal or external associates.

4.7 A general declaration of interest does not replace the obligation to actively consider and declare relevant interests. All staff must review their interests when circumstances change and declare any new or emerging conflicts as they arise and re-assess relevant interests at key points in a transaction or decision.

4.8 Conflicts of interest can arise both from roles or activities involving parties outside the University or where Individuals hold multiple roles inside the University. These conflicts can stem from various activities, including but not limited to procurement, commercial transactions, research conduct and funding, contractor selection, admissions, assessment and progression, and recruitment processes.

4.9 Staff members must avoid placing themselves in a position where there is an actual or potential conflict between their personal, professional or financial interests and their role, whether directly or indirectly, and where a conflict might be unavoidable, disclose this interest in accordance with the procedure described in this policy. Furthermore, staff members should be aware that circumstances that may give rise to a perceived conflict should be disclosed in order to reduce the risk of this impacting the relevant activity.

4.10 See Appendix 1 for practical examples and suggested management strategies.

4.11 If you are unsure whether a conflict exists or whether it needs to be disclosed, please email the Governance and Compliance team for guidance at gov.compliance@yorksj.ac.uk.

5. Disclosing a Conflict of Interest

5.1 Every staff member is required to promptly disclose to the University any instance where they have recognised a conflict of interest, whether actual, perceived or potential.

5.2 Declarations of interest for staff **not listed** in B-E in Table A below should be made via completion of a Conflicts of Interest Form on OneUni, and reviewed annually.

5.3 In certain instances, disclosing and documenting the interest on OneUni may suffice as the sole necessary action. However, in other scenarios where ensuring fair and transparent decision-making is paramount, more proactive management may be warranted. The necessity for additional measures will vary based on the nature and circumstances surrounding the interest.

5.4 The staff member in question and their line manager or equivalent must collectively agree on proportionate measures to address the situation and reduce the risk of undue influence or perceived impropriety. Such measures must be captured in writing by the line manager as part of the Conflict Management Response Plan on OneUni. The resulting outcome will fall into one of the following categories:

a) Acceptable/manageable risk level: no additional action needed.

b) Additional measures may be required to manage the conflict in order to protect the University and/or the Individual.

Additional measures could include:

- the Individual involved will abstain from participating in university discussions related to the conflicting matter, and any decisions/votes relating to those matters;

- not taking part in decisions relating to certain matters, but still being present for any preceding discussion;
- the Individual will not hold responsibility for university decisions concerning the matter;
- the Individual will refrain from signing any contracts on behalf of the University regarding the matter;
- publishing a notice of interest;
- standing aside from any involvement in a particular project; and,
- declaring an interest to a sponsor or third party.

5.5 Conflicts should not be allowed to continue unless they can be adequately mitigated.

5.6 The general declaration of an interest does not by itself address the conflict. The relevance of the declared interest must be reassessed whenever the Individual is involved in a decision or action that could be influenced by it.

5.7 As needed, decision-making authority may be escalated based on the level of risk or the nature of the decision to be made.

5.8 The line manager, or equivalent, is responsible for maintaining a summary of the situation and the agreed-upon measures, this should be recorded on the Conflicts of Interest Form on OneUni. The line manager must also communicate the agreed approach to any relevant colleagues.

5.9 These actions should be reviewed at least annually or upon material change.

5.10 Any Individual who is concerned that another member of staff may have an undisclosed conflict should raise this with the individual's line manager or the Governance & Compliance team at gov.compliance@yorksj.ac.uk.

6. Arrangements for managing specific Conflicts of Interest

6.1 The University has specific procedures to manage specific conflicts of interest for certain categories of staff or activities, as detailed in Table A.

6.2 **Table A –** Arrangements that sit **outside** the scope of this policy:

Department / Service / Activity	How conflicts are declared and managed
A) Procurement activities	**Declaration of Interests in Respect of Purchasing** As per the Financial Regulations any member of staff who intends to make a purchase or obtain a tender from a supplier in which they have an interest, must inform the Chief Operating Officer in writing. No such purchase shall be made from a supplier in such

	circumstances without the approval of the Chief Operating Officer or their superiors.
B) Board of Governors & sub-Committees	Upon appointment and annually, Governors and Co-opted Members of the Board of Governors sub-Committees are required to: • sign a document that states they will act in accordance with the University's Code of Conduct and the seven principles identified by the Committee on Standards in Public Life; and, • record any Declarations of Interest on the University's Register of Interests. Governors and Co-opted members are also asked to declare any agenda related interests at the start of each Board of Governors or sub-Committee meeting. These processes are overseen by the Governance and Compliance team, in collaboration with the Finance department.
C) Members of the Executive Board **D) Members of the Senior Leadership Team** **E) All Individuals working in Procurement**	These staff member's interests are managed through the following three processes: • Register of Interests • Conflict Management Plan • Gifts & Hospitality Register **Register of Interests** The Finance and Governance & Compliance (G&C) teams maintain a Register of Interests. The purpose of the register is to give members the mechanism to publicly declare any private interests which may conflict, or may be perceived to conflict, with their public duties. It is a statutory obligation that the University registers any potential conflict of interest, as soon as they become aware of it. When appointed, the Governance & Compliance team will send the Executive or SLT staff member a template document in order for them to record their interests. This will occur within two weeks of the individual's start date. These members will be asked to review their Register of Interests in April and August each year. If a new interest arises, or an existing interest changes, outside of the above reviews, then the staff member should contact the Governance & Compliance team to update their form immediately. The Governance & Compliance carry out an audit of declarations each spring to ensure the register is up-to-date.

	Conflict Management Plan In most instances, disclosing on the Register of Interests will suffice as the sole necessary action. However, where there is a conflict that has a direct impact/relation to a role, a Conflict Management Plan will be required to ensure fair and transparent decision-making. For example: • The University is considering whether to merge with an organisation where an SLT member is on their Board of Directors. • An SLT member's department requires a service from a supplier where the SLT member holds shares. • The Executive Board member has a family member or partner at the University (as a student or fellow staff member). As part of the Register of Interests reviews, the Individual will receive a Conflict of Interests Management form. If the Individual believes there is a conflict of interest, they should complete this form. The Finance and Governance & Compliance teams will also monitor for any notable conflicts. If any conflicts arise outside of the review period, the Governance & Compliance team should be informed immediately. The Individual will then be asked to complete the form. A meeting will be arranged between the individual and two reviewers to discuss the conflict and to agree a plan how it will be managed. The reviewers will be dependent on the specific member of staff, but will potentially include: the Vice Chancellor, an Executive Board member, the Director of Finance, the Head of Governance & Compliance. **Even where staff are listed in the Register of Interests or subject to a Conflict Management Plan, individual interests must still be actively considered and declared at the point of relevant transactions or decisions. Registration does not eliminate the obligation to disclose in context.**

F) Spin-out	Staff members are reminded that, as founders in a Spin-out, their involvement should not lead to the exertion of influence or the making of decisions that could create a conflict of interest with their obligations as employees of the University.
G) HR Related Policies	The Intimate & Close Personal relationships at work policy outlines acceptable conduct in situations where personal relationships intersect with professional ones. This policy aims to prevent staff members from being susceptible to potential, perceived, or actual impropriety, bias, abuse of authority, discrimination, conflict of interest, or favouritism. Your Terms and Conditions of Employment may include an 'Exclusivity of Service' clause, which should be referred to before entering into any obligations to undertake external work. The necessary permission will need to be obtained before carrying out such external work to ensure any conflicts are properly managed.
H) Research	The University's polices are underpinned by: • the Concordat to Support Research Integrity; • the UK Research Integrity Office's (UKRIO) Code of Practice for Research; • Research Misconduct Policy and Procedures; and, • York St John Research Ethics Policy.
I) Assessment	Please refer to the Code of practice for assessment and academic related matters, in particular the following: • Invigilators must declare any personal conflicts of interest in relation to students taking examinations. • Reciprocity and conflicts of interest (external examiners). • Guidance on the conduct of the Special Cases Panel. • Appeals.

7. Summary of Responsibilities

7.1 **All staff** must disclose any actual, perceived or potential conflicts of interest with their University duties at the earliest opportunity and at relevant decision points, not solely as a part of annual reporting.

7.2 **The Finance team** is responsible for working with the Governance and Compliance Team to ensure that an up-to-date register of interests is maintained for Individuals listed in B-E in Table A.

7.3 **The Governance and Compliance Team** support the Finance team to keep the register of interests up-to-date and is also responsible for ensuring that this Policy is maintained, that appropriate explanatory guidance is provided, and for monitoring compliance with the Policy.

7.4 **The Board of Governors**, as trustees of an exempt Charity regulated by the OfS, have a legal duty to avoid conflicts of interest and to act in the best interests of the Charity. In accordance with the good practice noted in the OfS' Regulatory Framework, their declarations will be made publicly available on the University's website

7.5 **Co-opted Members** on a Board of Governors sub-Committee follow the same process as the Board of Governors to ensure the independence of any Committee decision.

7.6 **Audit and Risk Committee** will receive a report on compliance with the Policy through the University's assurance framework.

7.7 **Executive Board** is responsible for disclosing interests as per section C of Table A and promoting a culture of compliance and transparency.

7.8 **Members of the Senior Leadership Team** are responsible for ensuring that all staff within their service/school are made aware of this Policy and for supporting Line Managers to decide how to manage each conflict declared. Members of the Senior Leadership Team are responsible for disclosing their own interests as per section D of Table A.

7.9 **Line managers** are responsible for discussing conflicts of interest with their staff and for determining how to manage each conflict declared, in consultation with their Head of School/Director, as applicable and for making a declaration of their own interests, where applicable.

7.10 **All other Individuals** must annually declare any personal, financial or other interests (and/or those of their close personal contacts) that represent an actual, perceived, or potential conflict, review their interest when circumstances change and declare any new or emerging conflicts as they arise and reassess relevant interests at key points in a transaction or decision, even if already declared.

7.11 **All committee Chairs** are responsible for asking for declarations of interest in relation to the agenda at the start of each meeting, determining how to manage each conflict in the context of their meeting, and ensuring that the declarations and any mitigating actions are minuted.

8. Breaches of the policy

8.1 All Individuals are required to comply with this policy and with any additional measures put in place to manage conflicts of interest. Failure to comply may result in disciplinary action.

8.2 Cases which involve potential financial misconduct must be referred to the Finance team immediately.

8.3 Cases with potential implications for research integrity must be referred to the Academic Registrar for investigation under the University's Research Misconduct Policy and Procedures.

8.4 Concerns can also be raised via the University's Whistleblowing Policy.

9. Appeal

9.1 Where a member of staff is dissatisfied with the decisions taken under this policy, they should refer to the University's Grievance Policy and Procedure.

10. List of related Policies and Guidelines

10.1 This Policy is formulated within the broader framework of the University's procedures and policies, and should be examined in conjunction with them. These include, but are not restricted to:

University Secretary and Registrar

- Whistleblowing Policy

Financial

- Gifts and hospitality register
- Financial Regulations
- Donations Acceptance Policy
- Anti-Fraud Policy and Procedure
- Anti-Money laundering Policy and Procedure
- Anti-Bribery Statement

Procurement

- Sub-Contracting-Policy

HR

- The Intimate & Close Personal relationships at work
- Your terms and conditions of employment
- Dignity at Work Policy and Procedure

Research

- Research Misconduct Policy and Procedures
- York St John Research Ethics Policy

Ethics

- University Ethics Policy and Framework

Appendices

Appendix 1: Examples of Conflicts of Interest

This list is not intended to cover every possible scenario. It is primarily the responsibility of each member of staff to recognise situations where they may have a conflict of interest and to openly discuss and disclose that conflict with their line manager.

Staff members should consider their circumstances. They should reflect on whether others, such as managers, students, customers, colleagues, or members of the public, would trust their judgment if they were aware of their personal interests.

Examples of how to manage a potential conflict of interest

Example conflict	Management Strategy
Finance related	
A staff member involved in negotiating a contract between the University and a supplier in which they, or someone associated with them, holds a financial or non-financial stake.	Before initiating any dealings with the company, the staff member must disclose the conflict. This allows for the update of the conflicts of interest register and the pre-authorisation of engagement and/or expenses, if deemed suitable.
An Individual directorships or shareholdings in a personal capacity with a named company that the University might do business with.	The Individual should disclose any such affiliation. An assessment of the potential conflicts could be conducted by the line manager or escalated accordingly, taking into account the nature and significance of the Individual's association with the company and its potential impact on University transactions. Depending on the identified level of conflict, the Individual may be required to abstain from involvement in decision-making processes related to contracts or transactions with the company.
Teaching and/or supervision-related	
A staff member who has a close personal or familial relationship with a student or a person connected to the student and who may be involved in decisions about the student’s admission, supervision or academic progress, or the award of studentships, prizes or grants to the student.	The staff member is required to disclose their relationship with the student or connected individual to their line manager. If a conflict of interest is identified, the staff member must abstain from participating in any decisions or processes directly affecting the student. Impartial members of staff or committees should be responsible for decisions affecting the student, ensuring they are free from the influence of the staff member with the conflict of interest.

	If the staff member attends a meeting of the board of examiners where the student is being assessed, the interest should be declared.
Conflicts arise when doctoral student supervisors have personal or familial connections, when staff with evaluative roles have financial stakes in student-run businesses, when staff undertake teaching roles at other universities, or when supervisors have financial interests in companies supporting their postgraduate students.	These conflicts should be managed by ensuring independence in supervision, disclosing financial interests, and respecting student rights to intellectual property ownership.
Committee related	
a) A committee member serving externally who provides advice or participates in committees at other universities. b) A committee member with an external interest concerning an agenda item. c) A committee member who also belongs to a student society advocating for a policy related to an agenda item. d) A committee member responsible for evaluating research, including work in their specific research domain, that may be submitted for funding consideration.	a) Any membership of external bodies that may pose a conflict of interest should be documented in the Institution's register of conflicts of interests. b-d) At the start of meetings, individuals must disclose any specific conflicts. The Chair will then determine appropriate actions, which could involve the conflicted member: • Excusing themselves from discussing and deciding on the item; or • Staying for discussion but abstaining from the decision; or • Participating in the discussion but refraining from the decision-making process. The conflict and subsequent action should be noted in the meeting minutes.
Research	
A researcher receiving funding from a company in which they hold a financial interest, especially if their interest could be influenced by the research outcome or if they supervise someone whose research is funded by the same company.	The researcher must disclose this interest in all publications and ethical approval applications. Additionally, the researcher should abstain from making any pivotal decisions that could favour the company.
The researcher holds a position in an enterprise (e.g. as director) that may wish to restrict (or otherwise manage) adverse research findings for commercial reasons or not wish to publish the results of the research.	This is not only a potential conflict of interest but has a potential impact on academic freedom for other researchers. The Research Office should establish a collaborative agreement outlining the handling of research findings, publications and other relevant terms.

The researcher is paid directly by the funder allowing for the possibility that the research outcome could be influenced.	The researcher must disclose this to the Research Office Grants Team so the funding is not paid by the funder directly to the researcher.
An independent researcher (employed by the University but working independently outside of their contracted hours) may encounter a conflict between their contracts and their collaborators/ partner organisations.	The researcher must disclose this interest to maintain a distinct separation between their roles.
Consultancy	
Staff members engaging in self-employment for an organisation connected to the University could potentially create a conflict of interest, particularly if they are involved in both commissioning work from the University and supplying services to it.	Staff members should disclose any self-employment activities and affiliations with the University. It is crucial to maintain a distinct separation between their roles as University employees and their self-employment endeavours. This may necessitate implementing protocols to prevent individuals from both commissioning (or influencing the commissioning of) work from the University and supplying services to it simultaneously.
Staff member offering consulting services to a company in competition with the University's activities or goals	This scenario presents a conflict of interest because the staff member's consulting engagements with a competitor may create divided loyalties, potentially undermining the University's interests or objectives in favour of the competing entity. This could result in biased decision-making, compromised research integrity, or the misuse of University resources for personal gain, posing ethical and reputational risks to the institution. To address this issue, the staff member should disclose their consulting activities and the nature of their relationship with the competitor to their line manager in accordance with the procedure for disclosing a conflict of interest. The line manager should then assess the potential conflict of interest to determine its impact on the University's interests and objectives. Mitigation measures may involve limiting the staff member's involvement in projects directly competing with University initiatives or requiring them to abstain from decision-making processes related to such projects.

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