



WARWICK

Policy and procedure

Personal conflicts of interest



WARWICK

## In Summary

This policy provides guidance on areas where an interest or relationship may conflict, or appear to conflict, with an individual's role, duties or responsibilities at the University. The policy is to ensure that individuals do not commit acts of impropriety, bias, abuse of authority, favouritism, or leave themselves open to allegations that they have done so.

This policy should be read in conjunction with the University's [Personal Relationships Policy](#) which prohibits certain intimate relationships and outlines when a disclosure may be necessary.

The principles of this policy apply to all employees and to students. It is also applicable to individuals who are operating on behalf of the University. This includes but is not limited to workers, honorary/visiting associates, Emeritus and agency workers.

If you believe you have a relationship which falls within the criteria detailed within the guidance, you should declare the relationship to either:

- Your Head of Department (or nominated representative)
- Your HR Business Partner
- The Academic Office (for student queries)

All declarations will be managed sensitively and will be supported by Human Resources in considering appropriate actions. Individuals have a duty to comply with all reasonable actions taken to remove conflicts of interest arising from personal relationships

If you have any questions relating to the guidance please contact either your HR Business Partner or the Academic Office for further information.

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## 1. Purpose

1.1. The University of Warwick (the “University”) aims to provide a working and learning environment which enables individuals to fulfil their potential in a supportive environment. This policy provides guidance in areas where an outside interest or relationship may conflict, or appear to conflict, with an individual’s role at the University. The University seeks to maintain the integrity of all its processes, to protect individuals from allegations of actual or perceived conflicts of interest and avoid complaints of harassment and grievance or disciplinary action.

1.2. The policy is intended to provide guidance on how to recognise and address potential conflicts of interest in areas where personal relationships overlap with working relationships and to ensure that individuals do not commit acts of impropriety, bias, abuse of authority, favouritism, or leave themselves open to allegations that they have done so.

1.3. This policy should be read in accordance with the University’s [Personal Relationships Policy](#) which specifically covers intimate relationships. This policy also supplements and expands upon the requirements set out in the University’s Financial Regulations which contain a section on Conflicts of Interest. In addition these guidelines should be read in conjunction with the University’s Dignity at Warwick policy, University Calendar (containing information on Statutes and Ordinances); the Senate Degree and Examination Conventions which include the Senate procedure for the declaration of interest with respect to examination matters, the Guide to Examination for Higher Degrees by Research and the Research Code of Conduct.

## 2. Scope

2.1. This policy applies to all employees and to students. The policy also applies to individuals who are operating on behalf of or in association with the University including but not limited to workers, honorary/visiting associates, Emeritus and agency workers.

2.2. There are two categories of conflict that may arise, personal (those faced by individuals) and institutional (those faced by the institution). This document addresses personal conflicts. Institutional conflict including business, commercial and financial relationships are dealt with under the University’s Financial Regulations.

## 3. Principles

3.1. It is not the intention of the University to intrude on the privacy of individuals. However, the University has a statutory obligation to safeguard the health, safety and welfare of all members of the University. Therefore it will take any necessary legal steps to satisfy these responsibilities. Similarly individuals should take responsibility for their own actions and be aware where personal relationships or interests may impact on the work/study environment and where necessary take steps to remove the potential impact. If concerns are raised by individual(s) that impact on their role at the University then the University will investigate these concerns promptly under the relevant procedure which may include but is not limited to the Dignity at Warwick policy; University Statute; Disciplinary policy (for staff) or Disciplinary Regulations (for students).

3.2. Whilst this document describes and provides guidance for many of the situations in which conflicts occur or may occur, it is not meant to be exhaustive. The University is keen to support individuals and manage potential conflict wherever possible. However, the primary obligation rests with the individual to recognise situations in which there is actual, potential or perceived conflict of interest and to disclose and discuss that conflict with their Head of Department (or nominated representative).

## 4. Definition of 'relationships'

4.1. To avoid a conflict of interest or the appearance of a conflict of interest, the definition of 'relationships' covered by this policy should be interpreted broadly. If you have, or have had, a familial, intimate, sexual or otherwise close relationship with another member of staff or a student, there may be a conflict of interest if you exercise any influence (directly or indirectly) in decisions that may affect the other individual.

Examples include where an individual:

- Has management or supervisory responsibility for the other party including undertaking the Personal Development Review (PDR), or involvement with career progression, promotion and staff development
- Is involved in recruitment and selection decisions which could impact the other party
- Has responsibility for the deployment of financial, contractual and other resources which could directly or indirectly benefit or detrimentally affect the other party
- Is involved in any aspects of teaching, learning, supervision or assessment relating to the other party
- Has access to confidential information or is required to provide information relating to the other party
- Has access to student services including financial assistance, accommodation and other services which could benefit or detrimentally affect the other party
- Is a member of a Committee or working group which could involve decisions that directly or indirectly benefit or detrimentally affect the other party
- Has influence over contractual matters including employment, career opportunities, placements, complaints and discipline that could involve the other party
- Is involved in any other situation in which access to resources/power occurs or could be deemed to occur and would either benefit or be detrimental to the other party.

## 5. Roles and responsibilities

### 5.1. Individuals

5.1.1. Individuals (as defined in Section 2.1) must ensure that they maintain the standard of integrity and conduct expected by the University as defined in the University's Policy and Regulations.

5.1.2. They are required to disclose any personal relationship covered by this policy to either their Head of Department (or nominated representative), HR Business Partner (HR) or contact the Academic Office (as appropriate). Individuals have a duty to comply with all reasonable actions taken to remove conflicts of interest arising from personal relationships and to adhere to the prohibitions on certain types of intimate relationships as detailed in the [Personal Relationships](#) policy.

## 5.2 Heads of Department (or nominated representatives)

5.2.1 Heads of Departments or their nominated representatives must ensure that all declarations are managed with the utmost sensitivity. Managers should seek the support and advice of their HR Business Partner in considering appropriate actions. They should also:

- Consult with the individual(s) concerned to determine areas of concern and identify actions.
- Implement the appropriate action required to protect staff, students, any other members of the University and the integrity of the University.
- Document the circumstances and action taken. Records must be kept confidentially and in accordance with the University's Privacy Notice.
- Ensure that all actions are lawful and do not expose the University to legal liability, either by ill-advised action or by negligence.
- Ensuring individuals associated with the University (as defined in section 2.1) are made aware of the policy as part of their induction/engagement with the University.

## 6. Relationships between staff and students

6.1. The University believes that the professional and pastoral relationship between a student and a member of staff is crucial to the student's professional and personal development. As such it is important to protect the integrity of this relationship by ensuring equality of treatment and avoiding allegations of misconduct which may arise when personal and/or family relationships compromise, or are perceived to compromise, that professional relationship.

6.2. In this context, a professional relationship is defined as one where there is tutoring, teaching, assessment, supervisory, selection or pastoral responsibility on the part of the member of staff.

6.3. Staff should conduct themselves at all times in ways that are consistent with University policy and procedures and acknowledge their professional and ethical responsibility to protect the interests of students and accept the obligations and constraints inherent in that responsibility.

6.4. The University's [Personal Relationships Policy](#) prohibits intimate relationships between staff and students where the member of staff has some direct or indirect responsibility for the student and any form of intimate relationships between staff and students who are either under the age of 18 or who are over 18 and classified as an adult at risk.

While intimate personal relationships between staff/students outside of this context are not prohibited, they are strongly discouraged by the University. Such relationships can lead to a lack of confidence in the integrity of due process and perceived or actual conflicts of interest, which can have a detrimental effect on the teaching and learning environment for other students and colleagues.

6.5. Staff have an **obligation to disclose** an intimate relationship with any student, to enable the University to assess whether any potential or actual conflict of interest exists and/or whether the relationship involves sexual misconduct, an abuse of power or other improper behaviour. Students who undertake any form of paid role at the University are included in the definition of staff and must disclose an intimate relationship with any student if there is some form of professional connection.

6.6. The University recognises that some relationships may exist, either when a member of staff is appointed or when a student enrolls. Where a member of staff involved in such a relationship would ordinarily have a professional relationship with a student, it is the responsibility of the member of staff to inform their Head of Department (or nominated representative) or their HR Business Partner, in order that alternative arrangements can be made. Such steps should include the prohibition of the member of staff from accessing a student's records on SITS or any other local student records system; from accessing the student's assessment record on EMU or any other local mark entry system and/or ensuring that the Head of Department is able to audit any such entries made. This is to protect both individuals from accusations of unfair and preferential treatment.

6.7. The University also recognises that in certain circumstances, a conflict of interest may arise between an academic member of staff and a student who is a family member. Where such a family relationship exists, the staff member should inform their Head of Department (or nominated representative) and the member of staff should take no part in the teaching or academic assessment of the student, nor in any decision relating to the student, such as the award of a prize or scholarship or consideration of the student's performance by a Board of Examiners.

6.8. The University appreciates that in exceptional circumstances, a student may opt to take a module offered by an academic who is a family member or who they are in a relationship with. Whilst this is not encouraged, arrangements can be made to accommodate the request if there is a strong academic case for the student to take the module and providing that alternative arrangements may be made for the student's work to be marked and feedback on their performance provided. This should be discussed with the Head of Department (or nominated representative).

## 7. Relationships between staff

7.1. Within the University, members of staff will have a variety of relationships which will not have a detrimental effect upon colleagues or the effective running of the organisation. Whilst most social relationships are entirely beneficial in that they promote positive working and academic relationships, there are occasions when personal relationships between staff, may lead to actual or perceived conflicts of interest.

7.2. In order to remove any conflict of interest, individuals are **required** to disclose where a personal or family relationship exists in circumstances as detailed under section 4.1, in accordance with the University's [Personal Relationships Policy](#) or under the criteria outlined in the Financial Regulations (Financial Procedure1-Conflict of

Interest Policy and Procedures) or where the circumstances give rise to a reasonable concern that a conflict of interest could be construed so as to threaten the integrity of the academic, administrative or institutional processes of the University.

7.3. Where the University is made aware of a relationship covered by this guidance, it will ensure that the involvement of a member of staff in taking or influencing decisions affecting the other person's recruitment, salary, terms and conditions of employment, role, workload, promotion, training and development, career development and staff annual review etc. is carried out in such a way as to protect the integrity of all parties and processes.

## 8. Members of staff who study for a course

8.1. The University encourages and supports members of staff who wish to study for a University course. Whilst in the majority of cases, a conflict of interest of a personal nature will not occur, it is important that all members of staff entering a course of study at the University declare it to their Head of Department (or nominated representative), so that all potential conflicts of interest can be assessed.

8.2. It is possible that a member of staff working within a department could choose to study for a course within the same department. In this situation, the University strongly advises the member of the staff to declare their intention to study within their own department as early as possible to the Head of Department in order that appropriate alternative arrangements for the individual's consideration for admission to the University may be made, so as to avoid any perception of bias or preferential treatment. Such arrangements should include ensuring that all assessments undertaken by the individual are marked anonymously and access to their file is controlled by the Head of Department so as to ensure that electronic document/systems cannot be updated by the individual member of staff themselves.

8.3. It is possible that a member of staff working within an administrative office could choose to study for a course at the University and for this to create a conflict of interest in relation to their administrative role where, for example, this includes access to central administrative systems such as the student records system and the electronic mark entry system. In this situation, the University **requires** the member of staff to declare their enrolment on a course of study as early as possible to the Head of Department in order that appropriate alternative arrangements may be made. Such arrangements should include prohibition of the student from accessing and updating their own records and ensuring that any entries made to these may be audited by the Head of Department. Departments should also consider the post-holder's access to data for other students with whom they may be studying. The implications of this should be evaluated to avoid any conflict of interest. This may involve limiting access or reallocating specific duties where practicable. Departments should be aware that this may have a significant impact upon the role which staff may continue to be able to undertake.

## 9. Practice

9.1. Disclosures of personal relationships should be in writing in the form of an email or a note to the Head of Department (or nominated representative) or their HR Business Partner who must consider the disclosure and decide on appropriate action. Individuals may also choose to complete the [Personal Conflicts of Interest Disclosure Form](#) found at Appendix 1.

9.2. Wherever the University is made aware of a relationship covered by this guidance, it will consider the appropriate action in a manner that protects the integrity of all parties. The individual(s) involved will be consulted and expected to comply with all reasonable action. In some instances, for staff, this may mean a contractual change or change in duties by mutual agreement. The University will try to ensure that these matters are dealt with in confidence and as sensitively as possible.

9.3. Appropriate action could include:

- Ensuring that the member of staff does not have responsibility or undue influence for aspects of a student's work which require judgement. For example, if the member of staff attends a meeting of the Board of Examiners where the performance of the student is being considered, the interest should be declared at the outset and the member of staff should absent themselves when the student is discussed.
- Ensuring that the member of staff is not in a position to take decisions affecting the student, including the provision or withholding of any of the following: facilities for research; the allocation of course places, bursaries or scholarships for research; research or project supervision; academic progress/upgrade; allocation of teaching or work placement opportunities.
- Ensuring that a disclosure of interest is made, as appropriate, to the Chair of University committees, working groups, steering groups to enable the Chair to take necessary action depending on the nature of the committee/group and the individual's membership.
- Ensuring that appropriate action is taken to minimise the potential effect of the relationship on other staff and/or students.
- Immediately removing line management responsibility.
- Ensuring that the involvement of a member of staff in taking or influencing decisions affecting the other person's recruitment, salary, terms and conditions of employment, role, workload, promotion, training and development, career development and staff annual review etc. is carried out in such a way as to protect the integrity of all parties and processes. The circumstances of each individual case will have to be taken into account in determining the most appropriate action to be taken. Action could include arranging for no involvement or ensuring sufficient safeguards are put in place.

9.4. The disclosure and action should be documented and maintained in the staff personal file/student file.

9.5. Managers who are uncertain about what action to take should seek guidance, in confidence, from Human Resources. Failure to disclose a conflict of interest which results in the academic, administrative or institutional processes being brought into question, may result in disciplinary action being taken in accordance with an alternative procedure (including but not limited to the University's Disciplinary policy, University Statute and Student Disciplinary procedures).

9.6. Where staff believe that they have been personally adversely affected by a misuse of power/authority, conflict of interest or harassment, they should raise the issue with their Head of Department (or nominated representative) or the Director of HR through the procedures available (Grievance or Dignity Warwick). Students should raise concerns with either the Head of Department or Academic Office through the procedures available (Student Complaints Procedure or Dignity at Warwick policy). Where the University is made aware of a relationship by another person or by other means, the details of the particular circumstances will be investigated and appropriate action will be taken to protect the integrity of all parties and procedures and deal with the matter as sensitively as possible.

## 0. Breakdown of relationships

10.1. Where a personal relationship ends it is expected that all parties will continue to conduct themselves in a professional manner in the University and avoid conducting personal disputes which impact on the working environment or other staff and students. It may also be appropriate for some of the actions, put in place by the University during the relationship, to continue for a period of time following the end of the relationship. The individual(s) involved will be consulted and required to comply with reasonable actions.

10.2. The University does not expect to have to mediate between adults. Individuals are expected to manage their own relationships without it impacting on the workplace. If the University believes that the behaviour of an individual has resulted in a detrimental impact on the work or study environment of others then the University may take disciplinary action in accordance with the relevant Disciplinary Procedure. Additionally if an individual feels that they have suffered a detriment and/or harassment in the workplace then they can raise a formal complaint via the Dignity at Warwick policy or the relevant Grievance procedure (for employees or students).

## 1. Confidentiality

11.1. Information about personal relationships will be treated in confidence, wherever possible. However it may be necessary and appropriate for such disclosures to be shared on a 'need to know' basis with other staff.

11.2. Any personal data collected or retained in relation to personal conflicts of interest will be in accordance with the University's Privacy Notice and Record Retention Schedule.

## 2. Equality Impact Assessment

12.1. The University of Warwick recognises its responsibility to ensure that no-one is discriminated against or disadvantaged in relation to a protected characteristic which include: age, disability, sex, trans and gender reassignment, maternity, paternity and adoption, marriage and civil partnership, race, religion or belief, or sexual orientation. For further information, please refer to the University's Diversity and Inclusion website.



**12.2. The Personal conflicts of interest policy has been assessed as being of high relevance to our duties under equality legislation and the University will review its impact on equality and diversity, identify any inequalities by regular monitoring, and take action where necessary.**