



## **Sussex Business School Limited**

### **Conflict of Interest Policy**

#### **1 Introduction**

This Policy applies to conflicts of interest which may be encountered by members of staff, by independent members of Council and College committees, and by students when they are acting in an official College capacity - for example as committee members.

The Policy is designed to ensure that the College can meet the specific formal expectations of relevant external bodies regarding good practice: this includes the CUC Guide on Governance published by the Higher Education Funding Council for England (HEFCE 09/14, Part 1). All those with positions of responsibility in the College, by virtue of a specific role, office or committee membership, should adhere to the Seven Principles of Public Life drawn up under the Nolan Committee.

Regarding personal relationships in particular, the Policy is designed to avoid the conferring of unfair advantage or disadvantage on students, staff or other individuals, as well as to provide a framework allowing those experiencing conflicts of interest to place themselves beyond suspicion in their day-to-day work. The detailed sections below relating to relationships between staff, and between staff and students, are also relevant to independent members of Council and other committees should their work in a governance capacity involve personal interactions where there is a conflict of interest.

Disciplinary action may be taken against members of staff who are in breach of the provisions of this Policy. Members of Council who are in breach of the Policy may find themselves in breach of Statute Law.

The attention of readers of this Policy is drawn to the **Policy on Corporate Gifts and Hospitality**, which concerns related issues.

#### **2 Confidentiality**

Declarations of interest concerning personal relationships will be treated in a manner which gives due consideration to the rights of the individuals concerned under the Data Protection Act and the Human Rights Act, and which does not invade the privacy of individuals beyond what is necessary to deal appropriately with the conflict of interest, and to allow the College to meet its legal obligations. This approach also governs the level of detail which can properly be recorded in the Open Minutes of committees on matters relating to conflicts of interest. However, each case is considered individually, balancing the rights and views of individuals against any rights of the public to information, in accordance with any currently relevant national guidance on good practice.

The College has published a separate Staff Privacy Statement which sets out what kinds of information about individuals it will regard as private (and in particular not disclosable under the Freedom of Information Act). Some of the information in this statement may affect the way in which conflicts of interest are handled at the detailed level.

Individuals who elect to make written declarations of conflicts of interest concerning personal relationships under sections 6 and 7 below, or who do so under any of the other sections, should be aware that under the Data Protection Act the College is likely to be under an obligation to reveal the declaration to the other person said to be party to the relationship, should he or she so request.

#### **3 Published Register of Interests**

Members of Council and Audit Committee, and senior officers of the College (specifically including those identified by the Head of Procurement, or through the procedure described in Section 5 below, as having

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significant involvement in the purchase of goods and services) are required annually to declare for the published Register of Interests any interests of a long-term or permanent kind, such as company directorships, financial interests in companies, or family relationships with employees or students of Goldsmiths, or with senior employees of companies conducting significant business with Goldsmiths, which might have a bearing on their relationship with the College.

To enable the College to comply with its reporting obligations as a charity, members of Council - as trustees of the charity Goldsmiths' College - are also required to declare any other charities (whether registered or exempt charities) of which they are trustees, even if they consider that no conflict of interests could exist.

In addition to the annual process of updating and confirmation of entries for the Register, individuals may arrange amendments to their entry at any time by contacting the Corporate Governance and Information Management Department.

### **4 Conflicts of interest in relation to individual items of business on Council and other committees**

Members of committees should declare interests in any of the circumstances listed below, and not take part in any relevant debate. The Chair will decide how particular conflicts of interest should be handled.

In some circumstances, it may be desirable to withdraw from a meeting where relevant matters are being discussed. In the case of Council, and where members of Council serve on Council committees, this is an explicit expectation of the CUC Guide on Governance (HEFCE 09/14).

The issue declaration of interests is particularly important in relation to Council, given the special responsibilities of Council members as trustees.

The circumstances in which a conflict of interest should be declared in relation to committee business, or, where applicable, examination board business, are as follows:

- Where matters relating to an individual with whom the member has a close personal or family relationship are under specific consideration;
- where the interests of an individual with whom the member has a close personal or family relationship may conflict with the interests of the College;
- where, in the course of consideration of reports or other documents received as a committee member, a member comes across information that may be of material personal advantage to them in some other capacity;
- where the committee member is a member of an interviewing panel and a candidate for interview is relative, or a close associate in a professional or business capacity;
- where the interests of some other public Board or Committee on which the member serves may conflict with the interests of the College;
- where the committee member serves in some external advisory capacity and may need to provide advice in that capacity upon College operations, suitability, effectiveness or *bona fides*;
- where the committee member is an employee, director or major shareholder in a company or organisation which has or is seeking a contractual relationship with the College;

Members have two possible ways of declaring an interest:

At a particular meeting, before a relevant issue is being discussed. The interest will then be minuted (normally in Open Business - subject to the provisions of the section on *Confidentiality* above) by the Committee Secretary. The Committee Secretary will also be responsible for informing the Head of Corporate Governance & Information Management, who keeps the Register of Interests (including a copy of the minute).



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AND/OR

On a generic basis, where the relevant interest is likely to affect more than one meeting or College activity. The individual concerned should write to the Head of Corporate Governance and Information Management, who will keep a record of the declaration and inform the Registrar and Secretary. The declaration will be kept until between one and two years have elapsed since the termination of the member's term of office.

In the case of Council members, independent members of other college Committees, and certain senior officers of the College, such declarations will be included in the published Register of Interests if they are likely to be of significant duration. In other cases, the declarations will not be routinely published, but will be open to inspection by others (within or outside the College) on request. The principles set out in the section above concerning *Confidentiality (Section 2)* will apply.

### **5 Requirements in relation to Contractual Matters, Outside Work and Consultancy**

Staff must declare any conflicts of interest arising from their interests in organisations outside the College. This is specifically required by the Ordinance on Outside Work and Consultancy, and in addition the Consultancy Policy requires all consultancy to be declared whether or not there is a known conflict of interest.

No person shall be a signatory to a College contract where he or she also has a personal or financial interest in the activities of the other party.

Any person involved on behalf of the College in a tendering exercise must declare any conflict of interest before tenders are issued. The declaration should be sent to the Head of Corporate Governance and Information Management, who will inform the Director of Finance and keep the declaration on record for the duration of the individual's association with the College.

Any member of staff found to have an undeclared conflict of interest which may have affected his or her decision in a tender exercise will be subject to the College's disciplinary procedures.

Any person who has been responsible for a College project of value above the threshold for a tendering exercise shall be required to have an entry in the Register of Interests for the duration of their employment (unless they request exclusion on the basis that they have not been involved in a project subject to tender for three clear financial years).

### **6 Personal Relationships between Staff and Students**

The College values good professional relationships between staff and students. These relationships are heavily reliant upon mutual trust and confidence, and can be jeopardised when a member of staff enters a sexual/romantic liaison with a student. At the extreme, these liaisons can jeopardise professional relationships and can result in an abuse of power. Problems can also occur when a consensual relationship later becomes non-consensual or a case of harassment. The College does not wish to prevent, or even necessarily be aware of, liaisons between staff and students and it relies upon the integrity of both parties to ensure that abuses of power do not occur.

The conduct of staff should be based on the following principles:

- Members of staff should recognise a professional and ethical responsibility to protect the interests of students, to respect the trust involved in the staff/student relationship and to accept the constraints and obligations inherent in that responsibility.
- To embark on a sexual/romantic relationship with a student involves serious difficulties rooted in unequal power, and hence choice, of the parties concerned as well as real problems in maintaining the

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boundaries of professional and personal life. Such relationships can also disrupt the teaching and learning environment for other students and for colleagues.

- Students who are, or who have been, involved in a sexual/romantic relationship with a member of staff, and who do not consider their involvement to be truly consensual will have the right of complaint under the College's harassment policy.
- The establishment of an academic relationship with family members or with friends or associates who become students also raises ethical and professional issues.

Professional responsibilities of staff towards students may be academic (including assessment), administrative or advisory. If a member of staff has a sexual/romantic relationship with a student to whom they have or are scheduled to have any such responsibility, the member of staff has a responsibility to inform appropriate colleagues and superiors without undue delay and to separate themselves as far as is practicable from such responsibilities. Failure to do so will make the member of staff open to charges of bias and may lead to disciplinary action. Note also the Assessment Regulation which states:

*Where there is or has been any familial, sexual or other potentially compromising relationship between a candidate and an Examiner involved in the examining process, the Examiner so involved does not take part in any assessment of the candidate concerned. The Examiner shall be required to declare his/her interest to the member of the administrative staff designated for this purpose by the Registrar and Secretary, who shall take appropriate steps to make alternative examination arrangements. Failure to declare an interest shall be a disciplinary offence.*

*[Note: the person currently designated by the Registrar and Secretary to receive declarations of this kind is the Director of Student Services]*

### **7 Personal Relationships between Staff**

Where sexual/romantic relationships occur between members of staff, it is the responsibility of both individuals to deal appropriately with any potential conflicts of interest. It may be necessary to review the relevant reporting structure if the relationship is between a line manager and a member of staff. Any staff member needing advice should approach either their own Head of Department/manager or a senior member of the Human Resources Department. Staff should take care that financial, familial or personal relationships, entered into on a consensual basis, do not advantage or unfairly disadvantage any member of staff or other individuals, eg applicants for jobs or service providers.

The following should be noted and observed:

- Should such relationships occur the members of staff affected are expected to inform the Head of Department/manager as soon as any actual, perceived or potential conflict of interest arises to ensure that it can be minimised.
- The Head of Department/manager will, in consultation with the member(s) of staff, find ways in which conflicts of interest might be avoided. If members of staff are working in the same department or section or are in a supervisory relationship and the actual or perceived conflict of interest cannot be resolved by other means and is interfering with the effectiveness of work, it may be necessary to explore the possibility of one party being moved to another area of work or work location.
- If a member of staff has a close personal or familial relationship with an applicant for employment it would normally be necessary for the member of staff to avoid any involvement in the appointment process, eg membership of an appointment panel or acting as a referee. External and internal applicants for posts are asked to declare relevant personal relationships on the application form for the post.



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- A member of staff who is, or who has been, involved in a sexual/romantic relationship with another member of staff, and who does not consider their involvement to be truly consensual, will have the right of complaint under the College's Dignity at Work Policy.