

PC003 Conflict of Interest Code of Practice

1. Purpose

This code outlines the behavioural expectations of all staff when they find themselves in circumstances where there is (or appears to be) a conflict of interest.

Wodonga TAFE requires that all staff members must be free from perceived or actual influences of the kind described herein when dealing with persons or other organisations on behalf of, or in relation to their employment with Wodonga TAFE.

2. Scope

This Code of Practice applies to all staff of Wodonga TAFE. Any failure to comply with, or breaches of, this Code of Practice may be regarded as misconduct or serious misconduct, depending on the nature of the conflict of interest, and may be subject to disciplinary action.

3. References

POL15 Staff Conduct Policy
PC001 Staff Code of Conduct
PC002 Financial Propriety Code of Practice
PC004 Customer Service Code of Practice
PC005 Privacy Protection Code of Practice
PC006 Copyright and Intellectual Property Code of Practice
PC007 Use of Electronic Resources Code of Practice
PP042 Staff Discipline Procedure
PP043 Staff Dispute Resolution Procedure
PP044 Staff Grievance Procedure
PF043 Conflict of Interest Declaration Form
Victorian Public Sector Code of Conduct

4. Definitions

For the purposes of this code:

A conflict of interest (divided loyalty) may arise when a Wodonga TAFE staff member's capacity and obligation to perform their employed role is, or may be, compromised by other interests or commitments. This may occur when the staff member becomes a participant in activity, work (paid or unpaid) or roles, which have an adverse impact on, or implication for, their employed position with Wodonga TAFE or access to resources as an employee with Wodonga TAFE.

A conflict of interest may be perceived or actual, but must be declared to the direct line manager of the staff member for consideration by the CEO of Wodonga TAFE in line with the Code of Conduct and associated

Codes of Practice. It may be necessary that the staff member take action to remove him or herself from a conflict of interest situation. Conflicts of interest may, at times, also be reduced or managed to an acceptable level.

5. Code

Conflict Circumstances	Behavioural Expectations
<p>1. Paid, unpaid or voluntary work outside of the Institute</p>	<p>Wodonga TAFE recognises that engagement in work outside the Institute can be a valuable means of maintaining industry currency for frontline staff. It is also aware of the conflicts that can arise for staff and the Institute when managing multiple jobs, so this section of the code sets out the expectations that must be met to avoid any such conflicts. If you are involved or intend to be involved in paid, unpaid or voluntary work outside of the Institute you will need to:</p> <ul style="list-style-type: none"> a) ensure that there is no impact on the fulfilment of your duties and performance as part of your employment relationship with Wodonga TAFE b) make sure that any other paid, unpaid or voluntary work occurs outside your working hours with Wodonga TAFE c) ensure that you have the written approval of the CEO (use <i>PF043 Conflict of Interest Declaration Form</i>) d) do not utilise Wodonga TAFE resources, equipment or facilities without specific, written authorisation from the CEO (use <i>PF043 Conflict of Interest Declaration Form</i>) e) clearly separate these activities from your role at Wodonga TAFE and ensure that all stakeholders fully understand that you are acting independently <p>Specifically, in relation to other paid employment a staff member must:</p> <ul style="list-style-type: none"> f) ensure that your first priority is to your employment at Wodonga TAFE and that you are available to work in that capacity in relation to your time fraction.
<p>2. Directorships, Board and Committee of Management positions</p>	<ul style="list-style-type: none"> a) If a staff member is considering becoming a director of a public or private company, other than those which are of a charitable or non-profit nature and not in competition with Wodonga TAFE, or formed to deal solely with private affairs, the staff member is required to seek approval from the CEO. b) The CEO may grant approval to become a director if satisfied that there has been a full and complete disclosure as to the circumstances of the directorship, including actual or potential conflict of interest, and is satisfied that the staff member has undertaken to carry out the duties of the directorship in accordance section (a) above (including the use of <i>PF043 Conflict of Interest Declaration Form</i>).

Conflict Circumstances	Behavioural Expectations
<p>3. Close personal relationships</p> <p><i>Close personal relationships within Wodonga TAFE exist when a staff member has a relationship arising from being a member of immediate or extended family, or is in a relationship which may give rise to an actual or perceived conflict of interest including relationships of a kind that are matrimonial (including de facto), sexual, business and financial.</i></p> <p><i>These steps are required to protect not only your integrity as a professional Institute employee, but also to protect you, your manager and the Institute from any actual or perceived conflict of interest.</i></p>	<p>a) Relationships between staff members. If a staff member is in a position by which they need to make decisions and / or recommendations about a staff member or potential staff member with whom they have a close personal relationship, the staff member must declare this to the manager immediately. The manager will then advise on the most appropriate course of action to take to mitigate this involvement. This may include but not be limited to:</p> <ul style="list-style-type: none"> i. Ensuring that either staff member is not given responsibilities and / or duties that might give rise to a real or perceived conflict of interest, <i>and / or</i> ii. ensuring that the staff member is not involved in decision making or procedures leading to the appointment, promotion, disciplinary procedures or any other determination in relation to employment conditions or entitlements for the other. <p>b) Relationships with students. If a staff member is in a position by which they need to make decisions and / or recommendations about a student or potential student with whom they have a close personal relationship, the staff member must declare this to the manager immediately. The manager will then advise on the most appropriate course of action to take to mitigate this involvement. This may include, but not be limited to:</p> <ul style="list-style-type: none"> i. reducing or removing the staff members formal involvement with that student's process of enrolment, supervision, assessment, selection for prizes, graduation, disciplinary matters, etc. ii. reducing or removing the staff members capacity to alter the records for a student with whom there is a close personal relationship.
<p>4. Giving or receiving of gifts or benefits</p>	<ul style="list-style-type: none"> a) Do not give to, or receive gifts or benefits from, any person seeking to conduct business with Wodonga TAFE, beyond common courtesies consistent with ethical and accepted business practice b) Do not allow the receiving of gifts or benefits (or the promise of receiving such) to influence any business decisions with which you are involved c) Immediately report to the CEO (use <i>PF043 Conflict of Interest Declaration Form</i>) any circumstances where an offer of a benefit or gift is made, regardless of whether it is accepted or not, if you feel that such circumstances involve an attempt to induce favoured treatment.
<p>5. Personal interests which may affect an Institute financial transaction</p>	<p><i>Refer to PC002 Financial Propriety Code of Practice</i></p>

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<p>6. Reporting a conflict of interest of another staff member</p>	<p>a) Where a staff member is concerned about an actual or perceived conflict of interest involving another staff member, this concern must immediately reported to the manager.</p> <p>b) A staff member of Wodonga TAFE may be directed to provide information regarding a possible perceived conflict of interest and failure to do so will be regarded as a breach of this Code of Practice.</p>
<p>7. Other circumstances</p>	<p>a) It is not possible to define all potential areas of conflict of interest. Staff members are required to declare to the Manager any conflict of interest that arises or is likely to arise. If a staff member is in doubt as to whether a conflict exists, raise this with the Manager.</p> <p>b) In circumstances where the perceived conflict of interest lies with the CEO, the decision making relating to the issue lies with the Board Chair. In such circumstances the Board Chair shall determine the matter in accordance with these procedures.</p>