



# Conflict of Interest Policy

**RESPONSIBLE COMMITTEE: Governance Committee**

**RESPONSIBLE OFFICER: Bursar**

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## 1. Introduction

- 1.1 The purpose of this policy is to safeguard the integrity of the decision-making processes employed by the College, and the probity of those who make decisions on behalf of the College.
- 1.2 As a constituent College of the University, Pembroke abides by and endorses the University's Conflict of Interest policy<sup>1</sup>, approved by the University Council, which requires that all students (and university staff) recognise and disclose activities that might give rise to conflicts of interest or the perception of conflicts to ensure that such conflicts are seen to be properly managed and avoided. This policy is also informed by the advice provided by the Charity Commission.<sup>2</sup>
- 1.3 A copy of this policy will be given to every Trustee on taking up their trusteeship, and to members of College staff with delegated decision-making or expenditure authority on their appointment. Trustee induction (and, where necessary, staff induction) will include training in identifying and managing conflict of interests.

## 2. Policy

- 2.1 At Pembroke, the staff and students are encouraged to engage in a wide variety of external activities: these are considered in the public interest and also of benefit to the College and the individuals concerned.
- 2.2 The College is also committed to maintaining the highest standards of objectivity and transparency in the manner that it makes decisions, and understands that these external activities can give rise to conflicts of interest, whether potential or actual, perceived or alleged.
- 2.3 All Trustees, Fellows, staff, and students of Pembroke College are required to recognise and disclose actions or activities which may give rise to actual or perceived conflicts of interest.
- 2.4 If properly managed, activities can usually proceed as normal whilst at the same time upholding the person's obligations to the College, meeting regulatory and other external requirements, and protecting the integrity and reputation of the College and its members. Failure to disclose and effectively manage such activities jeopardises the reputation of the College and the University and the individuals concerned.
- 2.5 It is the policy of the College to encourage and foster external activities whilst ensuring that when conflicts or perceived conflicts on interest arise they are acknowledged and disclosed and, in relevant cases, properly managed.

## 3. Scope

- 3.1 This policy applies to all Trustees, staff and students of the College, to all external members of Governing Body and its Committees, and all others working in the College, such as Research Fellows who hold grants but are not current members of the staff of the College.

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<sup>1</sup> <http://www.admin.ox.ac.uk/researchsupport/integrity/conflict/policy/>

<sup>2</sup> <https://www.gov.uk/guidance/managing-conflicts-of-interest-in-a-charity>

- 3.2 It is the responsibility of each individual to recognise situations in which he or she has a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to the appropriate person, and to take appropriate steps as outlined in the procedure below.
- 3.3 If an individual is uncertain about how this Policy might affect their activities or has any questions about its application, they should contact the Head of Governance.

## 4. Recognising a Conflict of Interest

- 4.1 A conflict of interest arises where the commitments and obligations owned by an individual Trustee, member of staff, or student of the College are likely to be compromised, or may appear to be compromised by:
- i. That person's personal gain, or gain to immediate family (or a person with whom person has a close personal relationship)<sup>3</sup>, whether financial or otherwise; or
  - ii. The commitments and obligations that persons owes to another person or body.
- 4.2 The Charity Commission defines a conflict of interest as "any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent the trustee from making a decision only in the best interests of the charity."<sup>4</sup>
- 4.3 For the purposes of this policy and procedure, this definition is expanded to include the personal interests or loyalties of all individuals referenced at paragraph 3.1 above.
- 4.4 There can be situations where the appearance of a conflict of interest is present even when no conflict actually exists. Therefore, it is important for all staff and students when evaluating a potential conflict of interest to consider how it might be perceived by others.
- 4.5 Conflicts of interest may be financial or non-financial, or both.
- 4.6 A financial conflict of interest occurs where there is or appears to be opportunity for personal financial gain, financial gain to close relatives or close friends, or where it might be reasonable for another party to take the view that financial benefits might affect that person's actions.
- 4.7 Financial gain or interest may mean anything of monetary value, for example:
- i. Payments for services;
  - ii. Equity interests (for example, stocks, stock options, or other ownership interests);
  - iii. Intellectual property rights (for example, patents, copyrights, and royalties from such rights).
- 4.8 The level of financial interest is not the determining factor as to whether a conflict should be disclosed. What might be "not material" or "not significant" for one person might be highly significant for another. Good practice will mean the disclosure of any financial interest, however small.

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<sup>3</sup> For the purposes of this policy, 'immediate family' is defined as spouse or civil partners, son, daughter. The 'close personal relationship' giving rise to an interest could extend to (though this is by no means an exhaustive list): unmarried partner, parent, sibling, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, the (unrelated) child of an unmarried partners, as well as adopted, half- and step-members of family.

<sup>4</sup> <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29>

- 4.9 Non-financial interests can come into conflict, or perceived conflict, with a person's obligations or commitments to the College or other body of which he or she is a trustee. This may include any benefit or advance pertaining to the direct or indirect advancement of an individual's career, education, or gain to immediate family.
- 4.10 Whilst complying to this policy, researchers must be aware of and comply with conflict of interest requirements set by external funders or other bodies with whom agreements have been made. In such cases, references should be made to the [University's Conflict of Interest information and guidance for researchers](#).
- 4.11 For research and allowances funded by the College, applicants should consider potential conflicts of interest before making a request to the Academic Director.

## 5. Procedure

- 5.1 All members of Governing Body, as trustees of a charity, will complete a declaration of interest form on appointment, and at the beginning of each academic year (Michaelmas Term). These will be submitted to the Head of Governance.
- 5.2 At every Governing Body or Committee meeting it will be a standing agenda item that Trustees and participating individuals declare whether there is any matter over which they may have a conflict of interest.
- 5.3 It is the duty of every Trustee and member of staff and student to disclose any conflict of interest or any circumstances that might reasonably give rise to the perception of a conflict of interest. It is acknowledged that apparent or perceived conflicts of interest can be as damaging as actual conflicts of interest.
- 5.4 The general rule is that disclosure should be made at the time the conflict arises, or it is recognised that a conflict might be perceived, in writing to the Head of Governance, or the Master or one of the College Officers (Vicegerent, Bursar, Academic Director).
- 5.5 In order to ensure the adequate declaration of conflicts of interest, the Clerk to the Governing Body will maintain a Declaration of Interests Register containing all interests declared by Trustees.
- 5.6 In the case of undergraduate students, the student should discuss the relevant issues with their Tutor or the Academic Director, who, where appropriate, will consult with the Head of Department following which an approach for dealing with the conflict might be agreed. In the case of postgraduate students, this discussion should be had with the student's supervisor. Where the conflict of interest arises between the interest of the supervisor and the student, the student should discuss the matter with the Academic Director or the person responsible for postgraduate students in the Department (for example, the Director of Graduate Studies).
- 5.7 Every time a gift or hospitality is received it must be declared to the Bursar and added to the Register held by the Clerk to the Governing Body. For Trustees, Tutors, and Fellows this includes any gifts or hospitality over £100; for College Staff and students, any gifts or hospitality over £50 must be reported.
- 5.8 Many situations will require nothing more than a declaration and a brief written record of

that declaration, which must be held in the College records.

5.9 Some instances will, however, need to be dealt with by agreeing how the conflict can be actively managed. The approach adopted should be documented and copies provided to the relevant parties. A copy of the final plan must be held in the College's records. One or more of the following strategies may be appropriate to manage the conflict of interest:

- i. Not taking part in discussions of certain matters or decisions in relation to certain matters;
- ii. Referring certain matters for decision to others;
- iii. Resolving not to act as a particular person's supervisor;
- iv. Divesting or placing in trust certain financial interests;
- v. Publishing a notice of interest;
- vi. Standing aside from any involvement in a particular project;
- vii. Declaring an interest to a particular sponsor or third party.

5.10 It is the responsibility of those affected to comply with the approach that has been agreed.

## 6. Governance

6.1 The College follows the guidance provided by The Charity Commission<sup>5</sup> and has established procedures to ensure Trustees can deal with conflicts of interest and thus act in the best interests of the College.

6.2 As stated at point 5.4, the Clerk to the Governing Body will maintain a Declaration of Interests Register containing all interests declared by Trustees. This register is available for review by all Trustees, and by representatives of the Charity Commission.

6.3 At every Governing Body or Committee meeting it will be a standing agenda item that Trustees and participating individuals declare whether there is any matter over which they may have a conflict of interest.

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<sup>5</sup> <https://www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29>