

CONFLICT OF INTEREST PROTOCOLS AND PROCEDURES

Note

The Conflict of Interest Protocols and Procedures document is to be read in conjunction with the Project Development Protocols and Procedures.

This document will be reviewed on an annual basis and was last updated on 1 March 2011.

This paper applies to conflict of interest (COI) arising in the Executive and Program Leader roles, and seeks to ensure that COI situations are managed in an effective and transparent manner.

1 Definition

A COI situation can occur when an individual has multiple interests or is involved in multiple roles one of which *could potentially* affect the motivation for an act or a decision by that individual in favour of one interest or role to the detriment of another. In practice, this may be any situation in which an individual in a position of responsibility or trust exploits a professional or official capacity in some way for personal benefit. Such a benefit can be indirect; for example, through benefiting another organisation in which the individual also has an interest or when a party in decision-making for a grant-giving organisation may influence the outcome to benefit their employing organisation. The existence of a COI situation however is not, in and of itself, evidence of wrongdoing.

2 Issues for the Lowitja Institute

In the Lowitja Institute, people in all roles have responsibilities that may lead to a potential conflict of interest. Separate protocols deal with the situation for members of the Board and other governance committees, and for all employees as part of their contract of employment. This protocol addresses procedures for dealing with (potential) COI in the roles of Chief Executive (CE), Director of Research and Innovation (DRI) and Program Leaders (PL). These roles require individuals to undertake activity on behalf of the Lowitja Institute and may result in potential conflicts with other roles and responsibilities.

COI is most likely to be encountered in the following situations:

- Where a project is recommended for funding by the Lowitja Institute, with the funding to be administered by a partner organisation involving the CE, DRI and/or PLs.

- Where the CE, DRI and PLs are nominated (through an application or Expression of Interest process, or the Facilitated Development Approach) to undertake roles as Research Project Leaders or Chief Investigators for Lowitja Institute-funded research projects.

3 Guiding principles

- The Lowitja Institute recognises that COI situations will inevitably arise from time to time.
- The Lowitja Institute will have a process whereby COI is identified, disclosed and effectively managed in a timely, rigorous and transparent manner that promotes confidence in the integrity, legitimacy, impartiality and fairness of the Lowitja Institute's decision-making and commissioning processes.
- The presence of a conflict of interest is not of itself improper, provided it is addressed effectively, in accordance with this protocol.
- Too strict an approach to managing COI may be unworkable or counter-productive in practice (e.g. where parties have valuable expertise or experience and/or are required to undertake multiple roles).

4 Protocols and procedures for managing COI situations

4.1 Executive roles (Chief Executive and Director of Research and Innovation)

4.1.1 Standard circumstances

The Lowitja Institute executive roles (CE and DRI) have organisational responsibility, and are authorised to approve and sign-off agreements, for Lowitja Institute-funded projects.

4.1.2 COI circumstances

Because the CE and DRI have organisational responsibilities to endorse and approve Lowitja Institute funding agreements, a COI arises when either (or both) the CE and DRI are also directly involved in a funded project, or in the case of the DRI, benefits their employing organisation.

4.1.3 Protocols for managing COI situations involving the Executive

Where either or both the CE and DRI are directly involved in a project:

- a. The executive is responsible for identifying a potential COI as soon as possible, and must advise the Chief Operating Officer, who will record it in a log; and
- b. The conflicted executive will not take a role in decision-making about the project during its further development; and
- c. The project agreement will be considered and if appropriate endorsed by the Associate Director Research and Innovation and the non-conflicted executive (the CE or DRI); or if both members of the executive are involved in the project, the project agreement will be considered and if appropriate endorsed by the Associate Director of Research and Innovation and the Lowitja Institute Chair or a non-conflicted Board member.

4.2. Program Leader roles

4.2.1 Standard circumstances

Program Leaders are appointed by the Board for their academic and/or cultural and industry expertise in areas relevant to that program's scope and focus. The Lowitja Institute Program Leaders have responsibility for providing strategic leadership and operational oversight to the scope and focus of a Lowitja Institute program of work. The Program Leader role has strategic responsibility for developing and recommending Business Plans and for project commissioning, recommending funding allocations and development of project agreements. Program Leader recommendations are considered and endorsed by the Director of Research and Innovation and approved by the Chief Executive.

4.2.2 COI circumstances

Because Program Leaders have responsibilities to provide strategic leadership and oversight to the scope and focus of a program of work, including commissioning projects and allocating funding within the Program, a COI arises in the following situations:

- when the Program Leader commissions and develops a project agreement (SPR) within their program area, for a project that they will be directly involved in,
- when the Program Leader commissions and develops a SPR within their program area and the project involves their employing organisation,
- when the Program Leader re-allocates funding within the program budget and is directly involved in a project, or their employing organisation is directly involved in a project.

4.3.1 Protocols for managing COI situations involving Program Leaders

Where a Program Leader is directly involved in a project, other than in their role as Program Leader:

- a. The Program Leader is responsible to identify a potential COI as soon as possible, and advise the Chief Operating Officer, who will record it in a log; and
- b. The Program Leader will not take a role in decision-making about the project during the development of the SPR; and
- c. The DRI will undertake the decision-making and recommending functions otherwise performed by the Program Leader until the SPR is finalised.

If a project will benefit the employing organisation of a Program Leader, but the Program Leader is not directly involved in the Project other than in their role as Program Leader:

- a. The Program Leader is responsible to identify a potential COI as soon as possible and advise the Chief Operating Officer, who will record it in a log; and
- b. The Program Leader can continue to be involved in the development of the SPR; and
- c. The COI should be noted on the SPR Coversheet when seeking endorsement from the Director of Research and Innovation.

Where a Program Leader seeks to re-allocate funding within the program budget due to a shortfall in a project budget or due to an increase in the program budget, for example leveraging additional funding and resources:

- a. The Program Leader is responsible for identifying a potential COI before or concurrently with recommending the proposed changes to the program budget and submitting these recommendations to the DRI or delegate/s for approval.
- b. Program Business Plans and Budgets are expected to change over the life of the Lowitja Institute. Ongoing review processes ensure that these changes are managed and endorsed at an executive and Board level. Program Leaders are responsible for identifying potential COIs in a timely manner throughout these processes.

Appendix — Definitions

NB: Document templates, protocols and procedures will be available from Nivio under 'Lowitja Templates and Policies'.

Business Plan: A strategic plan outlining milestones and outputs for each of the Lowitja Institute research programs.

Facilitated Development Approach: An approach developed by the former CRCAH that focuses on collaboration rather than competition in the development of research projects. The approach involves interactive assessment processes through which projects are scrutinized not only for scientific validity but feasibility and relevance in the Aboriginal and Torres Strait Islander context.

Guidelines to the Statement for Project Responsibilities: This paper supports Project Leaders to complete the Statement of Project Responsibilities Project Agreement.

Conflict of Interest (COI) Log: All identified COI situations are recorded in a log by the Chief Operating Officer and maintained by Corporate Services.

Quality Assurance (QA) Log: A log maintained by the Program Manager that records all QA processes undertaken. The log is attached to the SPR coversheet. (Draft document).

Project Development Protocols and Procedures: An internal document outlining the operational protocols and procedures when developing a research project.

Participant organisations: Aboriginal and Torres Strait Islander organisations, research organisations and Government participants in partnership with the Lowitja Institute. See the attached link for a list of the current CRCATSIH participants:

<http://www.lowitja.org.au/crcatsih-participants>

Program Leader: Each of the three Lowitja Institute research programs is overseen by two Program Leaders. Program Leaders are appointed by the Board and provide advice on sound research practice.

Program Manager: Each of the three Lowitja Institute research programs is managed by a Program Manager.

Executive Roles: The Chief Executive and the Director of Research and Innovation.

Project Agreement: The funding agreement between the Lowitja Institute and participant organisation(s). For example, Statement of Project Responsibilities (SPR), Third Party Project Agreement &and Commissioned Project Agreement.

Project Leader and Project Team: Project Leaders and team members are selected and appointed by the Lowitja Institute to conduct individual research projects.