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# Conflicts of Interest Policy and Procedures

## 1 INTRODUCTION

- 1.1 The University values creativity, innovation, partnership and enterprise and is supportive of the various internal and external activities in which members of staff of the University engage. Occasionally however, a member of staff's outside interests may conflict, or appear to conflict, with their University duties.
- 1.2 Such conflicts may create problems; they can:
- Inhibit free discussion;
  - Result in decisions or actions that are not in the interests of the University or the member of staff;
  - Risk the impression that the University or the member of staff has or may have acted improperly (even when, as is almost always the case, all parties involved have acted professionally and with no bias), potentially causing embarrassment to those involved.
- 1.3 Members of the University Board are legally required to act in the best interests of the University and to avoid situations where there may be a potential conflict of interest. Staff of the University and individuals involved in the University's related companies have similar obligations.

## 2 SCOPE AND PURPOSE

- 2.1 This Policy applies to all employees of the University, to all members of the Board (internal or external) and its Committees and to all other persons working in or for the University regardless of whether such persons have an employment contract with the University (such persons may include visiting faculty, members of faculty or university committees, PhD students and any person that the University has appointed as a director to the board of any company).
- 2.2 Any reference in this Policy to a member of staff includes any person within the scope of this Policy.
- 2.3 The aim of this Policy is to protect the University and members of staff from any appearance of impropriety and to enable the University and members of staff to comply with their legal obligations.

## Policy

### 3 POLICY STATEMENT

- 3.1 It is the responsibility of each member of staff:
- 3.1.1 to identify situations in which he or she has a conflict of interest, or situations where there is potential for a conflict of interest to arise;
  - 3.1.2 to disclose those situations to the University; and
  - 3.1.3 where required, to take appropriate measures to manage a conflict of interest under the general procedure below (see section 4).
- 3.2 Some members of staff, because of their position within the University, have extra responsibilities under this Policy, which are subject to special procedures (see section 5).
- 3.3 Breaches of this Policy will be investigated under the University's disciplinary procedures.

## Procedures

### 4 GENERAL PROCEDURE

#### Identifying conflicts of interest

- 4.1 Each member of staff is responsible for identifying situations in which he or she has a conflict of interest or where there is potential for a conflict to arise. Advice and assistance may be sought from Human Resources and/or Legal Services.
- 4.2 It is not possible to provide a single definition to cover all of the different situations where conflicts could arise. However, a conflict of interest may be described as including any situation in which a member of staff's personal or outside interests, relationships or activities conflict, or have the potential to conflict, with the University's interests and activities.
- 4.3 There may also be situations where the duties owed by a member of staff to the University conflict with the duties owed by that member of staff to another body or person. These would also be conflicts of interest and are covered by the Policy.
- 4.4 Under this Policy, a member of staff's personal or outside interests and activities also include the interests and activities of his or her partner, children and relatives.
- 4.5 **If a member of staff is unsure about whether a particular situation amounts to a conflict of interest (actual or potential), he or she should disclose that situation.**

- 4.6 Some examples of potential and actual conflicts of interest are listed below (this list is not exhaustive and members of staff should consider their own circumstances):
- 4.6.1 where a member of staff or a relative has a personal financial interest (e.g. consultancy or licence income) in a University activity;
  - 4.6.2 where a member of staff uses a University building or equipment for their personal financial gain to the detriment of the University;
  - 4.6.3 where a member of staff or a relative is a member of an external committee whose work may relate to that of the University (for example, research councils, other funding bodies, faculty boards, government departments, NHS trusts, OfS, Research England);
  - 4.6.4 where the University has appointed a member of staff as its representative director or trustee of a company or charity (including where the University appoints members of staff as directors of its subsidiary companies);
  - 4.6.5 where a member of staff or a relative has a personal or financial interest in a company or other organisation with which the University is negotiating a contract (for example, the member of staff may hold shares in the company or may be a director or employee of the company);
  - 4.6.6 where a member of staff or a relative is a user of the University's services (for example, where a member of staff is the parent of a student or an applicant, or where a student is a member of the University Board);
  - 4.6.7 where a member of staff has a personal relationship with a student or potential student with whom they also have a professional relationship or responsibility (for example where that member of staff is in any way involved in that student's admission, assessment, teaching, supervision or progression either directly or indirectly). This applies to all students whether undergraduate and postgraduate (this Policy should be read in conjunction with the University's [Staff Student Relationship Policy](#) and its Safeguarding Policy which ensures protection of those under 18 and vulnerable adults.
  - 4.6.8 where a member of staff has a personal relationship with another member of staff or potential member of staff with whom they also have a professional relationship or responsibility (for example where that member of staff is in any way involved in the recruitment, line management, remuneration, appraisal, discipline or promotion of the other member of staff either directly or indirectly, or where they both have a professional responsibility in relation to the same student).

## Disclosing conflicts of interest

- 4.7 Each member of staff must disclose to the University any situation where he or she has identified a conflict of interest (actual or potential) *as soon as possible after identifying the conflict*. **In cases of potential conflict of interest, a member of staff should not wait until a conflict actually arises or until they are asked for an annual declaration to disclose the situation; they should disclose the potential conflict as soon as they identify it.**
- 4.8 Where a member of staff has previously disclosed a potential conflict of interest, which later develops into an actual conflict of interest, the member of staff must disclose the change in their situation to the University *as soon as possible after identifying the change*.
- 4.9 If a member of staff needs to make a disclosure, they may use the on-line form available on the [on the staff intranet](#). For all Board Members (internal and external) please email all disclosures to [boardclerk@bournemouth.ac.uk](mailto:boardclerk@bournemouth.ac.uk).
- 4.10 If a member of staff cannot access the on-line form, they should contact Human Resources for a paper or electronic copy of the declaration. Members of the University Board should make all returns direct to the Clerk to the Board (the Clerk). All other members of staff should return their form to the Chief People Officer (CPO).

## Evaluation of disclosed conflicts and additional measures

- 4.11 The Clerk will evaluate disclosures made by members of the University Board. The CPO will evaluate disclosures made by all other members of staff.
- 4.12 The Clerk or the CPO (as applicable) may decide that either:
- 4.12.1 disclosure of the conflict is enough; OR
  - 4.12.2 additional measures may be required to protect the University and the member of staff involved.
- 4.13 In cases where additional measures may be required, the Clerk or the CPO /his nominee (as applicable) will, in consultation with others in the University, decide on the appropriate measures to be taken and will inform the member of staff involved of these measures, which may include:
- The member of staff not taking part in discussions or meetings about the matter causing the conflict;
  - The member of staff not being responsible for decisions about the matter causing the conflict;
  - Including a notice of the conflict in publications (this would be relevant in cases where a publisher or funding body does not require details of

conflicts to be noted in the publication but where the University wants to note the conflict in the interests of transparency and academic integrity);

- Removing the member of staff from a particular project; and
- In limited cases, restricting one or other of the member of staff's conflicting activities.

- 4.14 Where additional measures are required, the member of staff is responsible for carrying out those measures.
- 4.15 If a member of the University Board discloses a situation to the Clerk and the Clerk is subject to the same conflict of interest as the member of the University Board, then the situation may be referred to a member of the University Board who is not also conflicted, and that member shall evaluate the disclosure in accordance with these procedures.
- 4.16 If any other member of staff discloses a situation to the CPO and the CPO is subject to the same conflict of interest as the member of staff, then the situation may be referred to a member of the University Executive Team who is not also conflicted, and that member shall evaluate the disclosure in accordance with these procedures.

## **Grievances**

- 4.17 If a member of the University Board is unhappy with any decision made in respect of a conflict situation affecting them, they may contact the Chair of the University Board for review. The decision of the Chair of the University Board shall be final.
- 4.18 If any other member of staff is unhappy with any decision made in respect of a conflict situation affecting them, they may follow the University's usual grievance procedures, which can be found in the [Staff Hub](#).

## **5 SPECIAL PROCEDURES**

- 5.1 In addition to the general procedure set out in section 4 above, there are some areas where special procedures apply.

### **Annual Declaration of Interests by members of the University Board and members of the University Leadership Team**

- 5.2 As well as the requirement to make disclosures under the general procedure above, members of the University Board and members of the University Leadership Team must make an annual declaration when requested to do so by the Clerk (for Board) or the CPO (for ULT) listing all situations in which he or she has a conflict of interest (whether actual or potential) or confirming that there are no such situations (nil return).

- 5.3 For staff the annual declaration may be made using the on-line form available on the [Human Resources Intranet](#) or by responding to the email requesting the annual declaration.

### **Declaration of interests at meetings of the University Board, Senate and committees**

- 5.4 Members of University Board, Senate and any committees within the University must declare any interest they have in the business to be conducted at any meeting which they attend.
- 5.5 A standing item shall be included in the agenda of every meeting of the University Board, Senate and any other committee within the University for the declaration of interests.

### **Contract signatories**

- 5.6 Where:
- 5.6.1 a member of staff or a relative has a personal or financial interest in a company or organisation which enters into a contract with a University contract; or
  - 5.6.2 a member of staff stands to benefit personally from a contract (including through any University bonus or incentive scheme),
- that member of staff must not sign that contract on behalf of the University.

### **University-appointed directors of companies**

- 5.7 Occasionally, the University appoints a person to act as a director of a company, to represent the University's interests as a shareholder of that company.
- 5.8 The general procedure set out in section 4 above enables University-appointed directors to comply with their duties towards the University. However, a University-appointed director also has a statutory duty under company law to avoid a situation where they have, or can have, a direct or

indirect interest which conflicts, or possibly may conflict, with the company's interests<sup>1</sup>.

- 5.9 Many companies have introduced their own policies to enable their directors to comply with their statutory duty to avoid conflicts. The University expects any University-appointed director to either:
- 5.9.1 comply with the policy of the company of which they are a director; and
  - 5.9.2 if the company does not have a policy, or if the University considers that any existing policy is inadequate, to take all steps in his or her power as a director of the company to introduce a policy acceptable to the University.
- 5.10 Sometimes, the duties a University-appointed director owes to the University will conflict with the duties that he or she owes to the company. In exceptional cases, a University-appointed director may be required to step down as a director where the conflicting duties cannot be managed to the benefit of both the University and the company.

### **Terms and conditions of employment**

- 5.11 This Policy applies in addition to, and does not in any way replace, the requirement for staff to seek permission for certain activities, as set out in their terms and conditions of employment.

## **General**

### **6 FREEDOM OF INFORMATION AND DATA PROTECTION**

- 6.1 Information provided by members of staff under this Policy will be recorded on the register of interests of the University. Where additional measures are required in relation to a conflict of interest, a summary of these measures will also be recorded on the register of interests.
- 6.2 Extracts of the register of interests relating to members of the University Board and members of the University Leadership Team may be published under the University's [Publication scheme](#).
- 6.3 Extracts of the register of interests relating to all other members of staff are subject to disclosure in response to requests under the Freedom of Information Act 2000. The University will consider whether any relevant exemptions to disclosure apply before responding to requests.
- 6.4 Information provided by members of staff will be processed in accordance with data protection principles as set out in the Data Protection Act 2018 and the

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<sup>1</sup> Companies Act 2006, section 175

General Data Protection Regulation (GDPR). Data will be processed only to ensure that the aims of this Policy are met. The information provided will not be used for any other purpose.

## **7 REVIEW OF OPERATION AND REPORT TO AUDIT, RISK AND GOVERNANCE COMMITTEE**

- 7.1 The CPO shall make an annual report on the operation of this Policy to the Audit, Risk and Governance Committee of the Board.