



CHURCHILL COLLEGE  
CAMBRIDGE CB3 0DS

## Conflict of Interest Policy

<b>Policy Name</b>	Conflict of Interest Policy
<b>Purpose</b>	To explain conflicts of interest in the College context and how they might best be managed to ensure decisions are made transparently, objectively, and in the best interests of the College.
<b>Owner</b>	Bursar
<b>Contact</b>	Alexandra Atkins, Governance Manager
<b>Approved By</b>	Council
<b>Approval Date</b>	September 19 <sup>th</sup> 2023
<b>Next Review Due</b>	September 2025
<b>Version and Recent Changes</b>	Formerly Regulation 17 in College Regulations.

# Conflict of Interest Policy

## I. Introduction and Purpose

- I.1 This policy provides a code of practice for members of all decision-making bodies of the College including those with delegated authority. The policy provides a framework for staff, Fellows, and students to consider interest and decision making in their roles within College, for instance as staff representatives or Combination Room Officers.
- I.2 A conflict of interest exists when the duties owed by an individual to the College conflict with, or may possibly conflict with a personal, financial or other interest or duty that the individual holds and/or with the interests of someone who has a close personal connection to the individual (including, but not limited to, any children, in-laws, siblings, partner or spouse).
- I.3 The existence of a conflict of interest does not depend on whether the individual is actually influenced in their duties or decisions. It arises whenever an interest could reasonably be perceived as affecting, or having the capacity to affect, an individual's ability to make impartial decisions on the College's behalf.
- I.4 Conflicts of interest can be financial or non-financial:
  - (i) Financial conflicts can arise where there is, or appears to be: opportunity for personal financial gain; financial gain to someone with a close personal connection to the individual; or where it might be reasonable for another party to take the view that financial benefits might affect that person's actions. Examples include payments, benefits in kind, equity interests, gifts, hospitality, or intellectual property rights.
  - (ii) Non-financial interests may include any direct or indirect benefit or advantage, enhancement of an individual's career or education or gain to a connected person. Staff and other committee members should therefore consider who they are acting for, and whether there are any competing motivations or interests that could influence them or be seen to influence them.

## 2. Material Interests

- 2.1 Any member of the Council or any decision-making committee who has a material interest, in any matter of business before the committee in question, except where that item is reported to the respective committee and not discussed, shall declare that fact on each occasion that that business is under consideration when the Agenda for the meeting is confirmed.
- 2.2 A material interest is any matter which may influence the judgment of the person possessing it or may reasonably appear as capable of influencing that person's judgment, so that the judgment may not be exercised wholly and exclusively in the interests of the College. The test for deciding whether or not an interest is material is an objective one. It also depends on appearances—the test is not simply whether the interested person might be influenced, but whether the possibility of influence might reasonably seem to arise.
- 2.3 An interest shall not be a material interest unless the person having that interest either knew about it or should reasonably have been aware of it. Any position as a company director or charity trustee shall not constitute a material interest unless there is a reasonable possibility that the company or charity may be engaged in any business, appeal, or transaction involving the College.

- (i) If the material interest in question is a financial interest, then the member declaring it shall withdraw from any meeting/agenda item within the meeting, at which the business is under consideration, and shall not speak or vote on the matter.
  - (ii) If the material interest is not a financial interest, then the member declaring it shall withdraw from any meeting/agenda items within the meeting, at which the business is under consideration, and shall not speak or vote on the matter, unless the committee shall have resolved to the contrary.
- 2.4 Where a member withdraws from a meeting in accordance with the above, that fact shall be recorded in the minutes of the meeting. Any resolution of the committee under the above shall be recorded in the minutes of the meeting at which it is made.
- 2.5 If the Chair considers that any member or members of the committee may have an interest which should be treated as a material interest, then the Chair may ask the committee to determine the matter. The committee shall then determine it in the absence of the member or members concerned, after hearing his, her or their views, and the committee's decision shall be binding on the member or members concerned.
- 2.6 Election or re-election and appointment or re-appointment are always a personal matter representing a material interest. However, it is not considered necessary to apply that rule in relation to unremunerated positions.

### **3. Reviewing Conflicted Decisions**

Should a conflict of interest come to light after a decision has been made at a committee, it is the responsibility of the committee Chair to assess how material this is. The Chair may assess whether an agenda item can and should be reconsidered. Committee members and the Governance Manager should be informed of the situation. If the conflict and its ramifications are considered material, the Chair should report the issue to the body to which their committee reports.

### **4. Excluded Interests**

- 4.1 The principle behind the category of excluded interests is that they may be taken to be well-known and of common occurrence within the College. An interest may be excluded notwithstanding that it is a pecuniary interest. Excluded interests should still be declared, wherever they occur, for transparency and accountability. An interest is not automatically excluded if the person holding the interest assumes the other members of a committee are aware of it.
- 4.2 An interest is an excluded interest in the context of this policy if:
- (a) it is an interest which arises from the holding of an office or position in the College, where the other persons holding such an office or position in the College have a similar interest; or
  - (b) it is an interest arising from membership of a Faculty or Department in the University, or the holding of an office or position in the University, where other members of Faculties or Departments or other persons holding such offices or positions in the University, as the case may be, each have a similar interest.
- 4.3 In particular, an interest which arises from a general review of College stipends is excluded but shall only be so in the case in relation to an increase in stipends in accordance with a general percentage stipend increase.

- 4.4 A Fellow's interest in his or her election or re-election to a Fellowship or appointment or re- appointment to any paid office or position in the College is not excluded, but matters concerning appointment or re-appointment to any unpaid position in the College are excluded.
- 4.5 Members of the Council, on election or re-election to the Council, shall register their material interests with the Governance Manager, who shall record that information in a register kept for the purpose. Members of the Council shall notify the Governance Manager of any new material interest occurring during the course of their membership whenever such new material interest occurs. The register shall include a statement of membership of any Faculty or Department in the University, and the holding of any office or position in the University, any Directorships held in subsidiary companies owned by the College and any trusteeships of charities. The register of interests shall be available for inspection by any Fellow on request, and any member of the public, under a Freedom of Information Act request.

## 5. Responsibilities

- 5.1 **Trustees** of the College (Council members) have a legal responsibility (under their duty around the charity's best interest to declare interests and be transparent around these.
- 5.2 **All committee Chairs** are responsible for: asking for declarations of interest in relation to the agenda at the start of each meeting, determining how to manage each conflict in the context of their meeting, and ensuring that the declarations and any mitigating actions are minuted.
- 5.3 **Fellows** are responsible for ensuring their interests are registered with the Governance Manager and kept up to date.
- 5.4 The **Governance Manager** is responsible for ensuring an updated trustee register of interests is available and correct.
- 5.5 **Members and regular attendees of the College's decision-making committees, including committee Chairs** should declare any personal, financial, or other interests (and/or those of their close personal contacts) which constitute existing or potential conflicts with their duties on the committee.