

BY-LAW ON CONFLICTS OF INTEREST

Background

1. Linacre College Fellows and Senior College Officers engage in a wide variety of activities both professional and personal that may, on occasion, give rise to conflicts of interest.
2. A conflict of interest arises when a decision has to be made in which the best choice for the College might not be the same as the best choice for the individual or an organisation /person to which the individual has some loyalty.
3. The law requires that when making a decision, charity trustees should only consider what is in the best interest of their charity. Trustees and College Officers therefore have a responsibility to disclose interests that might appear to affect their ability to make decisions on behalf of the College.
4. Any potential conflict of interest or situation that might be perceived by others to give rise to a conflict of interest must be declared whether or not, in reality, that conflict will occur. As a charity, the activities of the College are open to scrutiny by the Charity Commission and the public at large. It is crucial that any potential conflict of interest is known so that it can be properly and openly managed.

Declaring a potential conflict of interest

5. Prior to the start of a meeting at which a trustee envisages that s/he may have a conflict of interest, s/he should inform the Chair of the committee. This can be done by completing a Conflict of Interest Statement prior to the meeting or verbally at the start of the meeting. Chairs must remind the members of their Committees of the need to disclose potential conflicts of interest at the start of a meeting.
6. As soon as a College Officer is aware of a potential conflict of interest with College business, s/he should complete a Conflict of Interest Statement and submit this to the Bursar or Principal.
7. Committee Chairs and the College Bursar should submit Conflict of Interest statements to the Principal. The Principal should submit Conflict of Interest statements to the Vice-Principal.
8. A template for the Conflict of Interest Statement is available for download from the College website.

Protective Steps

9. Once a potential conflict of interest has been disclosed the College will take steps to ensure that it is managed transparently.
10. Trustees:
 - a. The Principal or Committee Chair will decide if the interest is likely to compromise the ability of the individual to make objective decisions on behalf of the College or if others might reasonably believe that it does so. If the Principal discloses a conflict of interest then this decision will be taken by Governing Body.
 - b. If it is determined that a conflict of interest exists then the individual will be required to refrain from being involved in making any relevant decisions. They may be asked to withdraw from the meeting whilst that matter is discussed unless expressly invited to remain solely in order to provide information.
 - c. The conflict of interest and the protective steps taken will be recorded in the minutes of the meeting.
11. College Officers:
 - a. The Principal or the Bursar will decide if the interest is likely to compromise the ability of

- b. If it is determined that a conflict of interest exists then the individual will be required to refrain from being involved in any relevant business on behalf of the College. The conflict of interest and the protective steps taken will be recorded in a Conflict of Interest Statement and held in the Officer's personnel file for a period of three years.
- c. If the Principal or Bursar believes that a conflict of interest repeatedly or severely compromises the ability of a College Officer to carry out his duties effectively the issue may be referred to the Staff Committee as a disciplinary matter. Staff Committee may require the individual to dispose of his/her interest if s/he wishes to remain in the College's employ. There shall be a right of appeal to Governing Body.

Failure to disclose a conflict of interest

- 12. Complaints that a Trustee or College Officer has failed to disclose actual or potential conflicts of interest should be made in accordance with the College Complaints Procedure. Complaints should be made to the Principal in the case of Trustees and to the Bursar in the case of College Officers.
- 13. The Principal or Bursar will inform the individual of the complaint and allow him/her to explain the alleged failure to disclose. If the Principal or Bursar still has reason to believe a conflict of interest exists after the alleged conflict is explained, s/he will refer the matter to a disciplinary panel in accordance with the Complaints Procedure.
- 14. If the Principal or Bursar believes that no conflict of interest exists then s/he will give a written explanation to the complainant.