BIMM UNIVERSITY | A university for the creative industries

Conflicts of Interest Policy

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Approved by: BIMM University Limited Board
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1 Introduction

1.1 BIMM University is a creative establishment which encourages staff across both academic and professional services areas to pursue excellence in their work. In such a busy and vibrant community, potential conflicts of interest may arise, especially where an individual is in a niche role or has a commitment or position in an outside organisation.

1.2 It is essential that BIMM University Limited can demonstrate integrity in all its endeavours, and the intention of this policy is to provide a supportive and transparent approach. A conflict of interest is not, in itself, an indication of any wrongdoing by a member of staff.

2 Applicability

2.1 This Policy applies to all staff employed by BIMM University (the University) and the wider group, including freelance staff, when acting in an official BIMM University capacity as well as, where appropriate employees of the University's Academic Partners. The policy describes the possible personal, social, financial and ethical considerations which may result in an actual or perceived conflict of interest and how they may be managed.

2.2 Staff members must adhere to their terms and conditions of employment alongside this policy.

2.3 The governance of the University, through its committees, must be conducted in accordance with this Policy. Therefore, in addition to applying to all staff, the Policy also applies to student and external committee members.

3 Definitions

3.1 A conflict of interest exists when the duties owed by an individual to the University conflict with, or may possibly conflict with a personal, financial or other interest or duty that the individual holds and/or by the interests of someone who has a close personal connection to the individual. The existence of a conflict of interest does not therefore 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 University's behalf.

3.2 A conflict of interest exists when the duties owed by an individual to the University 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).

3.3 A potential conflict exists where the interests of an individual are not currently in conflict, but there is a reasonable likelihood that they may give rise to a conflict in the future. For example, where a member of staff is a trustee of a charity that is not currently linked to the University, or seeking collaboration with the University, but that charity has an interest in research and is known to regularly seek collaborations with universities.

3.4 Conflicts of interest can be financial or non-financial:

- **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 or hospitality (see section 7).

- **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.

4 Declaring and Recording Conflicts of Interest

4.1 Individuals must disclose all conflicts of interest in writing (email is sufficient) at the time the conflict first arises or becomes known, including when it is recognised that a conflict might reasonably be perceived. Conflicts of interest should be disclosed to the individual's line manager (or their nominated delegate). If the recipient of the disclosure has an interest in the matter being disclosed, they should refer the disclosure to the next relevant Senior member of staff.

4.2 Declarations of interest' should be a standing item at the beginning of every Committee meeting, so that members and regular attendees* can declare any conflicts of interest in relation to that specific agenda. The Chair will decide on the course of action for managing each conflict. Both the declarations and any mitigating actions should be minuted.

4.3 For the purposes of this Policy, 'regular attendees' are those individuals who have a standing invitation to attend the meetings and who receive a full set of the unreserved papers. In most cases this is likely to include the Servicing Officer and those who attend in an advisory capacity or as an observer and may include others, including externals).

5 Managing Conflicts of Interest

5.1 If the matter is raised locally, the most suitable Senior Manager to the individual (e.g., Head of Department) (or the University Clerk if escalated) should decide on the course of action for each conflict that is declared to them, confirm this to the declarer in writing and record it in the University's internal Register of Conflicts of Interests (see section 6.2 for details).

5.2 If the matter is raised at a committee, the Chair will decide whether any action is necessary to manage each interest which their members disclose at the start of the committee.

- In some situations, simply disclosing and recording the interest may be the only necessary action.
- In other cases, in order to ensure that decisions are made in a fair and transparent way, more active management may be required. This will depend on the nature and context of the interest, but could include:
  - not taking part in discussion of certain matters and any decisions/votes. relating to those matters.

- not taking part in decisions relating to certain matters, but still being present for any preceding discussion.
- referring decision-making on certain matters to others.
- agreeing not to act as a particular person's supervisor.
- divesting or placing in trust certain financial interests.
- publishing a notice of interest.
- standing aside from any involvement in a particular project.

5.3 The actions should be reviewed annually by the relevant manager or committee Chair as appropriate (or their nominated deputy) and updated as necessary to ensure they remain relevant. The actions should also be reviewed if the reviewer is notified of any material changes to the matter declared.

5.4 A conflict of interest should be avoided unless it can be properly managed using the above strategies. For example, in extreme cases, it might be necessary for an individual to resign one of the positions which is creating the conflict.

5.5 If the individual is not clear as to the course of action to be taken, they should contact the University Clerk.

6 Registers of Interests

6.1 Register of Interests (OfS)

6.1.1 The Office for Students expects registered providers to maintain and publish a Register of Interests to demonstrate proper conduct of BIMM University Limited Board (BULB) members and senior post-holders. This Register of Interests is made publicly available on the BIMM University website.

6.1.2 The Register will be reviewed annually by the University Clerk, who will contact the appropriate individuals to seek declarations and confirm any current or potential conflicts of interests.

6.1.3 Disclosures may be made at any time and should be made, where possible, before an individual has engaged in any activity. These should be declared in writing to the University Clerk.

6.1.4 Where a Director or Executive Management Group member believes the conflict of interest no longer exists, they are advised to put this in writing to the University Clerk, requesting that their disclosure is removed from the Register of Interests. See also section 6.

6.2 Register of Conflicts of Interest

6.2.1 As well as the Public-facing Register of interests publicly available on our website, the University also holds an internal Register of Conflicts of Interest to be used by those who are not a member of EMG or an Executive Director (for example a Committee member, or those declaring receipt of a gift (see section 7)). This register is held by the University Clerk.

6.2.2 Points 5.1.3-5.1.4 above apply to the internal Register of Conflicts of Interest.

7 Executive Management Group

7.1 Terms of Appointments

7.1.1 BIMM University Limited will ensure that Directors and Executive Management Group members are aware, under the terms of their appointment, that they:

- will act responsibly and in the best interests of BIMM University Limited at all times.
- must declare their interests on the published Register of Interests.

7.2 Managing a Conflict of Interest for Directors or Executive Management Group Members

7.2.1 BIMM University Limited Directors or Executive Management Group members who identify a perceived or actual conflict of interest relating to an item of BULB or Executive Management Group business should raise this with the Provost in the first instance who, in consultation with the Chair of BULB and/or the Chief Executive Officer & Vice Chancellor, will determine whether the declaration should be formally recorded.

7.2.2 Where circumstances require that a conflict of interest is managed, the approach and mitigation should be formally recorded. Any particularly difficult matters, or where agreement about the mitigating approach cannot be reached, should be referred to the Chair of BULB, who will make a final decision.

7.2.3 To ensure there is no undue pressure in the decision-making process and in the conduct of BIMM University business, where a Director or Executive Management Group member has an interest in a matter under consideration, they must declare it and abstain from the discussion and any associated vote. This declaration should be noted in the formal record of the meeting.

7.2.4 Where several Directors or Executive Management Group members are affected by the same conflict of interest, it may be appropriate that the matter is referred to a separate committee.

8 Gifts and Hospitality

8.1 Introduction

8.1.1 On occasion, students or their families, as well as suppliers and other 3rd parties may offer gifts to members of the University's staff or other BIMM employees. Such gifts are usually offered to members of the academic staff, although other employees, for example student support staff, may also be recipients. There is a risk that such gifts may be seen as leading to a potential conflict of interest, especially regarding examination results and degree classes, or as a form of procurement and/or bribery.

8.1.2 The position of BIMM University is that its staff must not accept gifts from students, suppliers or other third parties.

8.1.3 This section covers:

- the Acceptance of Gifts **by** Staff **from** Students, suppliers and other third parties
- the provision of hospitality to suppliers by staff.

8.1.4 Staff (as outlined in Applicability) must adhere to section 7 of this policy with respect to gifts and hospitality. Should the process not be followed, the University will be at liberty to take action as appropriate against the staff member, according to published disciplinary processes. This will depend on the severity of the situation.

8.2 Definitions

8.2.1 The term "gifts" is deemed to include:

- goods provided for personal or other private use.
- personal services.
- loans of equipment, vehicles etc. for personal use; and,
- the provision of goods and/or services at preferential cost (including loans of money) for personal or other private use.
- Vouchers or discounts not available to the general public.

8.2.2 BULB must maintain a register where their staff shall declare any gifts or hospitality forthcoming as a result of their employment by the University, and to declare any personal interest in university business or negotiations in which they are involved.

8.3 Gifts from Students

8.3.1 The above is applicable to gifts from students or their families as well as from potential and existing suppliers. However, it may be normal for some students, particularly certain cultures to provide gifts of "small intrinsic value" to staff (for example a handicraft from their home country). for the purposes of this policy, gifts of "small intrinsic value" can be considered as being up to the value of £20.

8.3.2 Any other gifts must be refused and reported without delay to BULB's nominated representative within the Finance team and recorded in the University's Register of Interests. A series of small gifts from the same individual, family or company should be regarded as a single large gift and be declared.

8.4 Gifts from Suppliers / Companies

8.4.1 There may be times when a supplier of BIMM University, or another company associated with the wider organisation, wishes to provide the University with a gift or monetary donation. Gifts of this nature are not permitted and must be refused. If employees are offered a gift by a supplier this must be refused and added to the declaration of interests register.

8.4.2 Sometimes BIMM University may work with agents who receive commission for sourcing applicants. Any gifts from agents to BIMM University employees must be registered and refused as it may be deemed as a bribery attempt to favour particular agent's services over another.

8.5 Provision of gifts and hospitality

8.5.1 Excessive or lavish gifts or hospitality in relation to business transactions or arrangements with donors might constitute bribery - see also our Anti-Bribery Policy. Where a gift or hospitality is being provided by or on behalf of the University to another company or organisation:

- It must not exceed normal business courtesy.
- It should be given openly, not secretly.
- It must not be made with the intention of influencing or rewarding a third party to obtain or retain business or a business advantage, or in explicit or implicit exchange for favours or benefits.
- It must comply with local law(s).
- It should be given in the name of the University and not in an individual's name.
- It should be appropriate in the circumstances, of an appropriate type and value and given at an appropriate time.
- Gifts should not be offered to, or accepted from, government officials or representatives from any territory, or politicians or political parties, without the prior approval of BULB.