



CODE ON CONFLICT OF INTEREST IN RELATION TO RECRUITMENT AND PROMOTIONS

Introduction

1. This code of conduct addresses potential conflicts of interest which may arise in the University in relation to human resources activities, primarily in relation to the formal decision making processes concerning recruitment and selection and promotion.
2. The University values the integrity of its staff who participate on selection/search committees and promotions boards and that of external assessors who are co-opted to assess candidates for appointment and promotion. The University relies on each staff member and external assessor to act in the best interests of the University and observe principles of fairness, impartiality and equal opportunity in relation to their roles as members of committees and boards which oversee these human resources activities.

Definition

“A conflict of interest is a situation in which someone in a position of trust has competing professional or personal interests. Such competing interests can make it difficult to fulfill his or her duties impartially. A conflict of interest exists even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the person, profession, or process. A conflict can be mitigated by third party verification or third party evaluation—but it still exists.”

Conflict of Interest in relation to recruitment and promotion is defined as follows:

DOCUMENTATION / DRAFTING

No individual who intends to be an applicant for a position within the University may be involved in drafting the documentation relating to the post or the information for candidates. Where it is found that a staff member subsequently applies for a position where s/he has been involved in preparing the documentation, the process shall be recommenced without that individual's involvement. Similarly any individual who by the nature of the relationship with a potential candidate would be deemed to have a conflict which cannot be managed (see below), cannot be involved in the drafting of documentation relating to the post and where subsequently it is found that such a conflict exists, the process shall recommence without the individual's involvement. Conflict of professional or personal interest or potential conflicts of interest should be

declared to the Director, HR or his/her nominee prior to the preparation of the recruitment documentation.

ASSESSMENT PROCESS

In relation to the assessment of a candidate for selection or promotion, a conflict of interest will be deemed to exist for a selection committee/promotions board member in the following circumstances:

- The selection committee/promotions board member is a collaborator with an applicant in a current project;
- The selection committee/promotions board member has supervised or is supervising an applicant when he or she was a post graduate student;
- The selection committee/promotions board member is related to the applicant (i.e. spouse, parent, child, sibling, uncle or aunt, first cousin, niece or nephew, fiancée or grandparent or grandchild) has or has had a personal relationship with an applicant;
- The selection committee/promotions board member has a family or social connection with the applicant;
- The selection committee/promotions board member has been named as a referee by a candidate;
- Any other reason as considered relevant by the selection committee/promotions board member;

In all of the above examples the selection committee/promotion board member must notify the relevant Chairperson of the conflict prior to the commencement of the selection/promotion process or at the earliest opportunity thereafter.

3. Should any member of University staff or an external assessor feel they are in a position giving rise to an actual or potential conflict of interest, they should make contact at the earliest opportunity with the Chairperson of the relevant selection committee/promotions board or in either situation, the Director of Human Resources and Organisational Development.

CONFLICTS WHICH CANNOT BE MANAGED

4. Following the declaration of a conflict of interest in relation to a candidate under consideration, the Chairperson will decide in the light of the nature of the interest, if the member concerned is to be asked to withdraw from any decision about the candidate. If the Chairperson considers that he/she may be in a position giving rise to an actual or potential conflict of interest he or she should make contact at the earliest opportunity with the Director of Human Resources who will decide in light of the nature of the interest if the Chairperson is to be asked to withdraw from any decision about the candidate. Withdrawal of a member or of the Chairperson will be recorded in the minutes of the meeting. Where the selection committee/promotions board member is related to the applicant (i.e. spouse,

parent, child, sibling, uncle or aunt, first cousin, niece or nephew, fiancée or grandparent or grandchild) has or has had, a personal relationship with an applicant, the selection committee/promotions board member shall be required to step aside automatically. In such case there shall be no option for the Chairperson or for the Director of Human Resources to exercise discretion.

CONFLICT WHICH MAY BE DEEMED MANAGEABLE

Where it is decided that the member concerned is to remain on the committee/board the Chairperson is responsible for managing the decision-making process and it is recommended that the individual concerned should speak last in the course of discussions on the candidates.

5. All decisions in relation to selection and promotion in the University are considered in accordance with the principle that all University appointments are made solely on merit.
6. Members of search and selection committees and promotions boards together with external assessors co-opted to assess candidates are expected to observe the highest standards of integrity and objectivity and are consequently expected to adhere to the following principles:
 - (a) It is expected that individuals acting on behalf of the University in a decision making capacity must not permit any potential conflict of interest to interfere with that obligation which might compromise the integrity of the decision making process within the University in relation to selection and promotion decisions.
 - (b) The responsibility for avoiding potential or actual conflicts of interest begins with the committee/board member or external assessor themselves. If a situation arises at any time that could present a conflict of interest, he or she must make full disclosure of the relevant information to the relevant Chairperson. Hence, it is the responsibility of the individual to declare a potential conflict of interest that arises or is likely to arise
 - (c) While there is no general prohibition on the grounds of family relationship against persons being employed within the University or in the same department, situations shall be avoided which could potentially lead to conflict of interest. This would include direct involvement in decisions affecting selection for appointment, promotion and salary of a partner, spouse, or relative. See 4 above.
 - (d) For the purposes of transparency, a selection committee/promotions board member is requested to declare to the Chairperson where he/she has supervised or is supervising an applicant as a post-graduate student.

- (e) Internal Selection committee members who provide a reference for a candidate who is applying for a UCC post, in circumstances where they are a selection committee member for that post are advised that they **must** avoid making any statement recommending the candidate for the post but should provide clear and factual information on the candidate which is related to the selection criteria for the post. Any reference from an internal selection committee member recommending the candidate for appointment to the post will be returned to the member prior to any circulation for revision in line with the requirements of this policy.
 - (f) As the role of the external assessor is to act as an objective specialist who advises the committee during the process, an external assessor **shall not** provide a reference for any of the shortlisted candidates.
7. Search/selection committee members and members of the promotions boards together with those responsible for nominating selection committee members and proposing names of external assessors shall be made aware of this code of conduct by the Human Resources Department. In addition the Chair of the relevant search/selection committee and promotions boards shall be required to brief the committee/board prior to each relevant meeting as to the main provisions of this code. Where decisions are being made in relation to selection and promotion, each member of the selection committee/promotions board will be asked to confirm that no conflict of interest exists, or if such a conflict exists it has been deemed a manageable conflict (see 6 above) and shall sign a report to this effect at the commencement of the meeting.

External assessors shall, at the time of invitation, be given details of the code on conflict of interest and where possible the names and a brief resume of the prospective candidate(s) to assist in ensuring that the impartial role of the external assessor is maintained within the appointments and promotions process. If an external assessor is invited to participate in the process at the pre-shortlisting stage when details of applications are not known and should any issue subsequently arise in terms of a candidate applying for the post which would then create a conflict of interest for the external assessor, then this matter should be managed in accordance with this Policy.

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