



**ACCRA
TECHNICAL
UNIVERSITY**

CONFLICT OF INTEREST POLICY



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1.0 INTRODUCTION AND BACKGROUND

1.1 Source

This document draws its main source from the 1992 Constitution of Ghana, the Technical Universities Act, 2016 (Act 922) as amended, The Commission for Human Rights and Administrative Justice (CHRAJ) Act, 1993 (Act 456) and other relevant documents such as guidelines on Conflict of Interest (COI) and policies and procedures on conflict of interest

1.2 Definitions

According to the 1992 Constitution of Ghana, a Conflict of Interest is where a public officer puts himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office.

According to the Commission on Human Rights and Administrative Justice (CHRAJ), Conflict of Interest (COI) arises when there is a conflict between a given person's duty as a public officer and his or her interest as a private person. Thus, when the promotion of private interest of a public official results or is intended to result in or appears to be or has the potential to result in an interference with the objective exercise of the person's duty and an improper benefit or an advantage by virtue of his / her position then this act constitute a Conflict of Interest situation.

2.0 PURPOSE

1) The purpose of this policy document is to provide and give guidance in identifying and handling potential, actual and perceived Conflicts of Interest involving all employees and other members (stakeholders) of the University. This policy document is aimed at increasing the objectivity of the University's decision-making by way of identification and disclosure of potential, actual and perceived Conflicts of Interest and to manage such conflicts in a transparent manner. Transparency and objectivity in decision-making will help to protect the reputation and integrity of the University and to promote a level of public trust in the University's activities and operations.

Accra Technical University therefore places value on openness and at the same time promotes transparency in its processes, procedures and decision-making and emphasizes consistency, fairness and probity as an integral part of its relationships, individual and collective, with all stakeholders (internal and external). The policy is to create the awareness of members of the University to therefore avoid unethical, illegal, financial and personal relationships or other Conflict of Interest behaviors, in order to ensure that their activities and interests do not conflict with their obligations to the University.

2) This policy document and procedure details the responsibilities and processes for the identification, disclosure and the management of Conflict of Interest situations in the University. This is because the existence of an actual, perceived or potential Conflict of Interest does not imply any wrongdoing but, it is important that any private, personal or commercial interests which could bring about Conflict of Interest are recognized and disclosed as early as possible so that they could be properly managed.

3) This Policy document and procedures are designed to give protection to the University and its members from reputational damage and other liabilities should Conflict of Interest be managed appropriately.

Most often, Conflicts of Interest can be avoided simply by continuing to exercise good judgment and, indeed, the University relying on the sound judgment of its employees and other stakeholders to prevent many of such conflict situations.

3.0 SCOPE

This policy document and procedures are applicable to the University members which include:

- i. Members of the University Governing Council
- ii. Committees of the University Governing Council;
- iii. Members of Academic Board
- iv. Committees of Academic Board
- v. An office holder in the University
- vi. Adjunct or honorary appointees of the University
- vii. University Employees and
- viii. Any other person(s) appointed or engaged by the University to perform duties or functions on its behalf.

This policy document and procedures are designed to provide information needed to be aware of the issues, to be able to recognize and identify actual, potential or likely situations of conflict of interest and to effectively manage them when they occur.

4.0 POLICY STATEMENT

1) Accra Technical University recognizes the importance of a well-established system of identifying, disclosing and managing conflict of interest because, it increases its public accountability and reduces the risk of perceived corruption, misconduct and bias in its operations and decision-making processes. The University also recognizes that conflicts

of interest are not unusual in the exercise of public responsibility and therefore cannot always be avoided.

2) Conflict of interest are not themselves wrong, cannot always be avoided, and the potential for a conflict of interest exist in all aspects of the University's operations including research, teaching, assessment, staffing, administration, and commercial activities. Conflict of interest may be actual, potential or perceived by others. With the increasing relationships and links between the University and other organizations, companies and institutions, it is imperative that the University and its members act, behave and be seen to be acting and behaving with integrity and are not inappropriately benefiting by improper usage of their positions in the University.

5.0 WHAT IS CONFLICT OF INTEREST?

1) A Conflict of interest is a perceived or actual conflict between a University member's official duties to act in the best interest of the University, and his/her private interest.

2) A Conflict of interest is where an employee's personal interest or his/her duties to other persons or organizations competes or likely to compete or has the potential of competing with his duties to the University.

3) A Conflict of interest is any situation which interferes, likely to interfere or has the potential of interfering with the sound managerial, professional and administrative decision(s) of a member, an employee, and or a resident of the University and which could compromise laid down Rules, Regulations and procedures of the University which may result in unfair advantage to the member, employee or the resident or loss to the member, employee or the University.

5.1 Private Interests

When there is a conflict between a given person's duty as a public officer and his or her interest as a private person, conflict of interest may arise. A private interest can be direct or indirect and can be financial, non-financial, or a combination of the two (2).

i. Financial interest; this includes actual, potential or perceived financial gains or loss. Money does not need to change hands.

ii. Non-financial interest; this may occur from personal or family relationships or from involvement in sporting, social or cultural activities. This include a tendency leading to favour(s) or prejudice resulting from relationships (friendship, other personal involvement with another person(s) or group(s). A personal relationship may involve:

- a) Family relationships such as parents, siblings, children, spouse, partner, cousin(s), brother – or sister-in-law.
- b) Emotional relationships such as sexual.
- c) Financial relationships such as business partners.

5.2 TYPES OF CONFLICT OF INTEREST

- i. Actual – meaning it exist presently
- ii. Potential – meaning it may arise considering the circumstances
- iii. Perceived – It can be reasonably seen that a conflict of interest exists, or could arise, that may improperly influence the performance of a member of a University's official duties now or in the future.

6.0 GENERAL EXPECTATIONS

Accra Technical University (ATU) has a responsibility to ensure that its official activities and operations and those of its members conform to acceptable laid down Rules and Regulations (standards) of integrity and good conduct. The University therefore expects that:

- i. all members act with honesty and integrity
- ii. members will not allow their external, personal or financial interests or their duties to any external organization to influence and compromise their duties, obligations and responsibilities to the University
- iii. all conflicts of interest situations regardless of their character, form or level, will be identified, disclosed and managed effectively
- iv. any gifts, benefits, sponsorship, hospitality or service will not be accepted if the intention is to influence current or future behavior(s) of an individual or Faculty, Directorate, Department or Unit within the University. The independence of academic and professionalism is of paramount consideration and should be made clear to potential sponsors for preservation.
- v. where a conflict of interest occurs, the interests of the University will prevail over the interests of the member. Unless exceptional circumstances exist, the balance of interests will be resolved in the University's favour, and
- vi. Superiors/supervisors when notified of a conflict of interest, will deal swiftly and promptly with the conflict as per this policy and procedure and put in place arrangements and measures that protect the integrity of the University's processes and decision-making.

7.0 PROCEDURE

7.1 Identifying Conflicts of Interest

The University members must ensure that any conflicts between their private interests and their official duties are identified promptly and managed.

i. To identify a conflict of interest, as a guide, use the 'trust test' – would other stakeholders such as employer, employees, students, colleagues, or the general public, trust my judgment if they become aware of my situation? The Conflict of Interest Identification Checklist (See appendix A) may also help to identify whether a conflict of interest exists in the relationship(s) or execution of public duty.

ii. If there is uncertainty about whether a conflict of interest exists one must refer to the relevant policy document for a self-guide.

7.2 High Risk Areas

There are a number of areas of the University's activities that are deemed high risk. These include but not limited to:

- i. procurement processes, tenders and contracts
- ii. gifts, hospitality and other benefits
- iii. recruitment, selection, appointment, re-classification, termination, tenure, promotion, performance management, employee development, conditions of service, recognition and reward
- iv. student admission and selection to University and awarding of scholarships
- v. students assessment and supervision

- vi. personal relationships
- vii. the exercising of financial and other delegations
- viii. sponsorships for staff, students or others to or from the University
- ix. all commercialization activities [consultancy and commercial research, technology transfer (including collaborative research, licensing, patents, material transfer), enterprise and related activities]
- x. research activities, which include disclosure to funding bodies and for individuals responsible for carrying out any part of an investigation of an allegation of research misconduct by members of the University
- xi. providing ethical or other approval to researchers for intended projects, and
- xii. funding from commercial entities for educational activities, where the funder may put undue influence on participants for current or future commercial gain.

8.0 CONFLICT OF INTEREST CATEGORIES

Conflicts of interest at Accra Technical University can be grouped into:

- i. personal relationship
- ii. research
- iii. financial interest
- iv. conflict of commitment, or
- v. other.

8.1 Personal relationship (s)

- a) This conflict of interest group includes any personal relationship(s) as described in section 5.1 (Private Interests).
- b) Personal relationships should not intrude, or be perceived to intrude, on or influence working practices and decisions.

c) University members and every stakeholder must disclose actual, potential or perceived conflicts of interest arising from the existence of a personal relationship(s). This requirement is based on the potential for, or perception of, a decision being considered biased or prejudiced, either in favour of or against, a person with whom there is a personal relationship. The University will ensure that no undue advantage or disadvantage occurs because of the existence of a personal relationship (s).

d) University members and stakeholders must immediately and promptly cease to be involved in any decision making in respect of the person with whom they have a personal relationship until their supervisor determines how the conflict of interest should be managed.

e) University members and stakeholders must not directly supervise immediate family members. Anytime this arises, alternative arrangements must be discussed with the relevant supervisor should this situation arise in order to avoid such a conflict.

8.2 Research

i. This conflict of interest group or category is relevant for conflicts of interest relating to a research including but not limited to conflicts relating to ethical approvals.

ii. A researcher who fails to follow the procedures and appropriately handle a conflict of interest amounts to a misconduct and may be subjected to action under the Code of Conduct of the University and/or the disciplinary rules of the University

8.3 Financial Interest

This conflict of interest group or category is relevant for any financial gain or loss. Here, money does not need to actually change hands for this to be considered a conflict of interest.

8.4 Conflict of Commitment

This conflict of interest group or category is relevant for University members who may have a conflict with either a paid activity, employment, or commitment that may interfere with their core/main obligation and commitments to the University.

Examples of this group or category include but not limited to the following.

- i. An employee having additional full time employment outside of the University
- ii. serving as the Director of a company controlled by the University
- iii. A University member entering into a contract with or against the University, or
- iv. A University member tendering or engaging for consultancy work.

9.0 DISCLOSING CONFLICTS OF INTEREST

9.1 Members of the University and the Governing Council

i. Section 10 of the Technical Universities Act, 2016 (Act 922) provides that a member of the Council who has an interest in a matter for consideration at a meeting of that Council shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of that matter. That member shall request to be recused from the meeting; and shall not participate in the deliberations of the Council in respect of the matter.

Where a member of Council has an interest in a matter before that Council and fails to disclose that interest, or fails to request to be recused and participates in the deliberations of that matter, that member ceases to be a member of the Council.

ii. Members of Committees are required to disclose to the Committee any actual, potential or perceived conflict that may arise between the member's personal interests and the interests of the University. This is to ensure that members are complying with the process identified in the relevant guiding documents of the University. The disclosure shall form part of the record of the consideration of that matter. That member shall request to be recused from the meeting Where a member of a committee has an interest in a matter before that Committee and fails to disclose that interest, or fails to request to be recused and participates in the deliberations of that matter, that member ceases to be a member of the Committee and commits a misconducts and may be subjected to the Code of Conduct of the University and/or the disciplinary procedures of the University.

9.2 Employees

- i. Employees should disclose any actual, potential or perceived Conflict of Interest situation to their immediate supervisors by writing which is the only way a conflict of interest disclosure would have occurred. This is because, the fact that a matter may be known by others, or is considered public knowledge, does not substitute for disclosure of Conflict of Interest. It is the employee's responsibility to ensure a Disclosure Statement is submitted, and where necessary updated when required.
- ii. Disclosures about conflicts of interest must be made known as soon as practicable.
- iii. An appropriate management strategy should be discussed and agreed upon with the employee's supervisor.

9.3 Other University Members

- i. Where an office holder of the University entity, such as adjunct or honorary appointee of the University, or other person/s appointed or engaged by the University identifies a conflict of interest they must disclose the interest in writing.
- ii. Once an appropriate management strategy has been discussed and agreed upon, the submitted statement should be submitted to the relevant person or body for approval or otherwise.

10.0 MANAGING CONFLICTS OF INTEREST

i. Council and Committee members' conflicts of interests are managed in accordance with the process adopted by Council/Committee members. Managing this type of conflict includes declaring the interest, and the member recusing him or herself. In the event that the member fails to recuse him or herself, the Council or Committee must decide whether the member should be recused from discussions on that matter for high risk conflict or accept and reduce in low risk conflict.

ii. All other types of conflicts of interests are managed by implementing a management strategy. This strategy should be determined between the member and supervisor.

The two recommended responses are:

- a) avoid /recuse oneself
- b) accept and reduce

10.1 Avoiding Conflict of Interest/Recusing Oneself

i. Avoiding a conflict of interest which poses an unacceptable risk to, or impact on, the University's interests is the preferred strategy.

ii. To avoid a conflict of interest, the University member may recuse himself/herself or be removed from the decision-making process in relation to the matter concerned or requested to relinquish the private interest which is creating the conflict.

10.2 Accepting and Reducing Conflict of Interest (COI)

i. A conflict of interest can be reduced by ensuring that the member has restrictions placed on his/her involvement in the relevant matter, or

that another organizational area or member takes responsibility for the matter.

A COI may be retained and the member(s) involvement continue(s) in the matter concerned, subject to the required review of the situation. This response or feedback is only suitable and good for low risk conflicts of interest.

10.3 Monitoring COI in the University

All interests disclosed, including interests declared must be reviewed and approved on at least an annual basis to ensure that the information remains credible, valid, consistent, correct, and that the management strategy continues to be appropriate and effective to curb the situation.

10.4 Failure to Disclose a Conflict of Interest

i. Employees have an obligation to disclose and manage COI. Failing on their part to comply with this policy and procedure which include refusal to take any reasonable steps and action(s) as directed to resolve a conflict of interest, may constitute misconduct which may result in disciplinary action by the University.

ii. Where an external person/member is involved in University decision-making, he/she needs to abide by the University's Policy Documents.

iii. Any breaches of this Policy and procedure may result in referral to, and action being taken by, an appropriate authority.

10.5 Privacy and confidentiality in the University

- i. Information arising from conflict of interest disclosures will be managed confidentially.
- ii. Information held may be used for University purposes including audit, reporting, compliance monitoring, and other purposes required by government or legislation.

11.0 RESPONSIBILITIES

11.1 Compliance, Monitoring and Review

- i. The Registrar is responsible for the implementation, monitoring, revision, and ensuring that, there is total compliance with this policy document and procedures.
- ii. The Registrar is responsible for ensuring that all employees and stakeholders become aware of their responsibilities regarding conflicts of interest situations in the University, and that copies of disclosures made on Conflict of Interest situations by employees are kept and maintained in their personnel files.

“Declaration of conflict-of-interest form” to be developed

12.0 REVIEW OF THE DOCUMENT AND PROCEDURE

This policy document and procedure are to be reviewed as and when it becomes necessary.

13.0 DEFINITIONS

13.1 Terms and Definitions

Conflict of interest: where there is a conflict between a University member's official duties to act in the best interests of the University, and their private interests. A conflict of interest may be actual, perceived or potential.

Official duties: these are the roles, duties and responsibilities expected by the University of the University member(s).

Private interests: this may be direct or indirect, or financial or non-financial. A non-financial private interest may also include a personal relationship. Refer to sections (5.1) for more information.

An indirect interest is a conflict of interest held by a relative or close member of the University such as an immediate family member (spouse, partner, child, parent, siblings, a regular household member) residing with the University member or a close associate such as friend, relative, business associate, rival or an enemy.

University members: every member of the University community must comply with this policy document and procedure. University members include:

- i. members of the University Council
- ii. an office holder in the University entity
- iii. adjunct or honorary appointees of the University
- iv. Accra Technical University employees, and
- v. any other person/s appointed or engaged by the University to perform duties or functions on its behalf.

REFERENCES

1. The 1992 Constitution of Ghana
2. The Technical Universities Act, 2016 (Act 922) as amended
3. The Whistleblower Act, (2006) Act 720
4. The Accra Technical University Statute (2018)
5. Harmonized Condition of Service
6. The Commission for Human Rights and Administrative Justice (CHRAJ) Act, 1993 (Act 456)
7. The Public Procurement Act (2003), Act 663
8. Conflict of Interest Policies & Procedures, Ghana College of Physicians and Surgeons (2020)
9. Conflict of Interest Policy, Leeds Beckett University (2021)
10. Conflict of Interest Policy and Procedure, CQ University, Australia (2021)

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