

Conflict of Interest Guidelines for Confirmation of Candidature Panel members

The independence of a confirmation panel member can be ensured by the use of these guidelines.

There are a range of circumstances that can lead to a conflict of interest. The guidelines below list examples of different types of conflict of interest that may arise between the independent confirmation panel member and various parties including the candidate, the supervisor/advisor, the University, the subject matter itself and other members of the panel. The list is indicative and is not to be considered exhaustive.

In managing conflicts of interest it is useful to:

- Distinguish major (potential) conflicts of interest that would normally result in the non-appointment of the independent panel member from minor (potential) conflicts that should be declared and explained but which should not normally, independently of other considerations, inhibit the appointment of the independent panel member.

Conflicts of Interest

Listed below are examples of different types of conflict of interest that may arise between the independent panel member and various parties including the candidate, the supervisor/advisor, the University, the subject matter itself and other panel members.

This list is indicative and is not to be considered exhaustive.

A. Conflict with the Candidate		
<i>Working Relationship</i>		
A1.	Independent panel member has co-authored a paper with the candidate within the last five years	MAJOR
A2.	Independent panel member has worked with the candidate on matters regarding the thesis Eg. Previous member of the advisory team.	MAJOR
A3.	Independent panel member has employed the candidate or been employed by the candidate within the last five years.	MAJOR
A4.	Independent panel member is in negotiation to directly employ or be employed by the candidate	MAJOR
A5.	Independent panel member has acted as a referee for the candidate for	MAJOR

employment	
<i>Personal Relationship</i>	
A6. Independent panel member is a known relative of the candidate	MAJOR
A7. Independent panel member is a friend, associate or mentor of the candidate	MAJOR
A8. Independent panel member and the candidate have an existing or a previous emotional relationship of de facto, are co-residents or are members of a common household	MAJOR
<i>Legal Relationship</i>	
A9. Independent panel member is or was married to the candidate	MAJOR
A10. Independent panel member is legally family to the candidate (for example, step-father, sister-in-law)	MAJOR
A11. Independent panel member is either a legal guardian or dependent of the candidate or has power of attorney for the candidate	MAJOR
<i>Business, Professional and/or Social Relationships</i>	
A12. Independent panel member is currently in or has had a business relationship with the candidate in the last five years (for example, partner in a small business)	MAJOR
A13. Independent panel member is in a social relationship with the candidate, such as co-Trustees of a Will or god-parent	MAJOR
A14. Independent panel member has a current professional relationship, such as shared membership of a Board or Committee (including editorial and grant decision boards), with the candidate	MINOR
A15. Independent panel member has had personal contact with the candidate that may give rise to the perception that the examiner may be dealing with the candidate in a less than objective manner	MINOR
B. Conflict with the Supervisor/Advisor	
<i>Working Relationship</i>	
B1. Independent panel member was a candidate of the supervisor within the past five years	MAJOR
B2. Independent panel member has co-supervised with the supervisor in the past five years	MAJOR
B3. Independent panel member holds a patent with the supervisor granted no more than eight years ago and which is still in force	MAJOR

B4.	Independent panel member had directly employed or was employed by the supervisor in the past five years	MAJOR
B5.	Independent panel member holds a current grant with the supervisor	MAJOR ¹
B6.	Independent panel member has co-authored a publication with the supervisor in the past five years	MAJOR ²
<i>Personal Relationship</i>		
B7.	Independent panel member is in negotiation to directly employ or be employed by the supervisor	MAJOR
B8.	Independent panel member is a known relative of the supervisor	MAJOR
B9.	Independent panel member and the supervisor have an existing or a previous emotional relationship of de facto, are co-residents or are members of a common household	MAJOR
<i>Legal Relationship</i>		
B10.	Independent panel member is or was married to the supervisor	MAJOR
B11.	Independent panel member is legally family to the supervisor (for example, step-father, sister-in-law)	MAJOR
B12.	Independent panel member is either a legal guardian or dependent of the supervisor or has power of attorney for the supervisor	MAJOR
<i>Business, Professional and/or Social Relationships</i>		
B13.	Independent panel member is currently in or has had a business relationship with the supervisor in the last five years (for example, partner in a small business)	MAJOR
B14.	Independent panel member is in a social relationship with the supervisor, such as co-Trustees of a Will or god-parent	MAJOR
B15.	Independent panel member has a current professional relationship, such as shared membership of a Board or Committee (including editorial and grant decision boards), with the supervisor	MINOR
B16.	Independent panel member has had personal contact with the supervisor that may give rise to the perception that the examiner may be dealing with the candidate in a less than objective manner	MINOR

¹ Mitigating circumstances may exist, for example where the grant in question is held by a large consortium of relatively independent researchers.

² Mitigating circumstances may exist, for example where the paper in question has a large author list and where the Independent panel member and supervisor have not collaborated directly.

C. Conflict with the subject	
Research	
C1. Independent panel member has a direct commercial interest in the outcomes of the research	MAJOR
D. Conflict with other Panel Members	
Personal Relationship	
D1. Independent panel member is married to, closely related to or has a close personal relationship with another panel member	MAJOR
Professional Relationships	
D2. Independent panel member has a professional relationship with another panel member	MINOR

Additional notes on management of the guidelines

In managing the Conflict of Interest guidelines it is useful to remind those who are nominating independent panel members/experts that the purpose of the guidelines is to ensure the independence of the panel member in both fact and perception. The guidelines are designed to protect the candidate, independent panel member and the University against potential negative perceptions during and beyond the confirmation of candidature process. There is no presumption that any individual will behave inappropriately.

It would be unreasonable to expect potential independent experts/panel members to make decisions about their suitability to participate in a confirmation (with reference to these or other guidelines), though it is reasonable to expect them to declare conflicts of interest and to make provision for through the appropriate channels. The nomination of the independent panel member is best made by the principal supervisor and/or co-supervisors in consultation with the Director Higher Degree Research Training.

The most frequent concerns raised by Directors of HDRT relate to conflicts of interest between an independent panel member and a supervisor with respect to co-authorship (B6). There is occasionally a tension between the need to find an independent panel member/expert and the need to find an independent panel member with expertise in the field of the thesis, especially where the field is considered to be particularly narrow. It may be useful here to keep in mind that specific expertise in the narrow field of the thesis is not the only (nor necessarily the primary) consideration in selecting a potential independent expert. An independent panel member/experts broad knowledge of the particular field of research, experience as a supervisor of HDR candidates and examiner of HDR theses, plus their broad familiarity with the expectations of Australian HDR courses are all considerations in the selection of appropriate **independent panel members**.

As a general rule of thumb, a conflict of interest exists where a potential independent panel member has worked with the candidate or supervisor on matters of synthesis or analysis or has maintained a correspondence or other contact over an extended period in which the research has been discussed.