

General Sir John Monash Foundation - Conflict of Interest Policy

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1 Preamble

The General Sir John Monash Foundation (the **Foundation**) raises funds for, and administers, Australia's own postgraduate scholarship program: the John Monash Scholarships (**Scholarships**).

The Foundation's mission is to invest in outstanding Australians from all fields of endeavour who demonstrate remarkable qualities of leadership and have the ability to deliver outcomes and inspire others for the benefit of Australia.

To achieve its mission with the highest standard of integrity, the Foundation is committed to ensuring that personal relationships should not influence or even give the impression of influencing decisions on the award of Scholarships. The Foundation continues to rely on good and thoughtful judgment by every individual involved in the mission to prevent most Conflicts of Interest.

This policy exists as a guide to identify and respond to potential, actual or perceived conflicts of interest.

2 Definitions

2.1 Basic definitions

| | |
|-------------------------|--|
| Applicant | Applicant means an applicant for a Scholarship. |
| Board of Directors | The Board of Directors consists of the Directors of the Foundation, including the Chairman. |
| Chairman | Chairman means the Chairman of the Board of Directors. |
| Conflict of Interest | Conflict of Interest is defined in subsection 0. |
| Director | Director means a director of the Foundation, including the Chairman. |
| Donor | Donor means an individual or organisation (including representatives of the organisation) which has made, or has promised to make, a donation to support the Foundation. |
| Family Member | Family Member means any spouse, domestic partner, parents, siblings, children, any other relative or person similarly close, who resides in the same household and any other close familial relationship that could create the appearance of a conflict. |
| Panel | Panel means a group of individuals who interview applicants. |
| Panel Chair | Panel Chair means the individual who chairs a Panel. |
| Panellist | Panellist means a person who is member of a Panel. |
| Reviewer | Reviewer means an individual who reviews written applications. |
| Scholarship | Scholarship is defined in section 1. |
| Scholarship Coordinator | Scholarship Coordinator means the individual holding the title of Scholarship Coordinator or Scholarship Manager who manages the application process for Scholarships. |
| Supporter | Supporter means an individual or organisation (including representatives of the organisation) which supports or has promised to support one or more Scholarships either individually or as a member of a group. |
| Staff Member | Staff Member means a person who is employed by the Foundation. |

Definition of a Conflict of Interest

Conflicts of Interest may be actual or perceived:

- (a) an actual conflict of interest arises where a relationship or circumstance exists between an Applicant and a person involved in the Foundation, such that the Applicant's application or competing applications may not be evaluated fairly or impartially; and
- (b) a perceived conflict of interest exists when a reasonable and objective person, being aware of the relationship between an Applicant and a person involved in the Foundation, would consider that the Applicant's application or competing applications may not be evaluated fairly or impartially.

3 Examples

3.1 Where does a Conflict of Interest generally arise?

Conflicts of Interest may arise out of private and professional relationships. In each case, the relationship should immediately be disclosed. The following list of Conflicts of Interest is non-exhaustive.

- (a) Own involvement or family involvement

A Conflict of Interest arises when an individual involved in the Foundation or their Family Member applies for a Scholarship.

- (b) Other private relationships to Applicants

Non-familial private relationships with an Applicant *may* give rise to a Conflict of Interest. Relevant private relationships include (each current or former) friendship, friendship to families, relatives outside the definition of Family Member, romantic relationship, mentoring relationships, where an Applicant is given substantive advice in connection with their application to the Foundation.

- (c) Professional relationship to Applicants

Professional relationships with an Applicant *may* give rise to a Conflict of Interest. Relevant professional relationships include (each current or former) employment, formal mentoring or coaching relationships, contractual relationships, close common involvement in professional organisations and close or individual teaching at school or university.

Note: A Conflict of Interest is most likely to arise only from a professional relationship which is close, current, or financial.

- (d) Gifts

A Conflict of Interest arises when an individual involved in the Foundation receives a non-trivial, or a promise of or undertaking to give a future non-trivial gift, from an Applicant or a Family Member of the Applicant in the period between the date 12 months prior to the deadline for applications for a given year and the date Scholarships are awarded for that year.

- (e) Reference for Applicants

A Conflict of Interest arises when any person involved in the Foundation gives a reference to an Applicant in support of their application to the Foundation.

3.2 Where a Conflict of Interest generally does not arise

The Foundation encourages outstanding young Australians to apply for Scholarships. Generally, attendance at an information briefing for prospective Applicants or the expression of a suggestion to apply for a Scholarship will not involve substantial advice (in the nature of mentoring or coaching) on an Applicant's application to the Foundation. Accordingly, such circumstances do not ordinarily create a Conflict of Interest.

3.3 Sponsors and Donors

A relationship between an Applicant and a Supporter or Donor will not ordinarily give rise to a Conflict of Interest.

The Foundation encourages Supporters and Donors (or representatives of such) to actively participate in the decision making of the Foundation as Panellist, Director or Reviewer. This policy applies to Sponsors and Donors only in respect of their roles as Reviewers, Panellists and Directors. For the avoidance of doubt, a Sponsor or Donor is not required to declare Conflicts of Interest unless they are acting as Panellist, Reviewer or Director.

3.4 Management of Conflicts of Interest

The management of Conflicts of Interest requires:

- (a) the disclosure of any relationship or circumstance that may give rise to a Conflict of Interest;
- (b) the assessment of declared potential Conflicts of Interest; and
- (c) if required, the resolution of any Conflict of Interest.

4 Disclosure of Conflicts of Interest

4.1 Obligation to disclose any potential Conflict of Interest

All persons involved in the Foundation must disclose relationships or circumstances which may give rise to a Conflict of Interest in respect of applications to the Foundation.

In the event a person is unsure whether circumstances or a relationship give rise to a Conflict of Interest, the relationship or circumstances must be disclosed

4.2 Disclosure of a Conflict of Interest (Staff Members)

Staff Members must disclose any potential Conflict of Interest in respect of an Applicant by writing to the CEO of the Foundation and the Chairman (or, if the CEO of the Foundation is the affected Staff Member, to the Board of Directors) immediately upon becoming aware of the Conflict of Interest.

4.3 Disclosure of a Conflict of Interest (Directors, Reviewers and Panellists)

Directors, Reviewers, Panellists and Panel Chairs must disclose any potential Conflict of Interest in respect of an Applicant. If a person has no potential Conflict of Interest to declare, that person must make a declaration to that effect.

The disclosure or declaration has to be made using the "Declaration of Interests" form provided by the Foundation as attached to this policy in Schedule 1.

The disclosure or declaration referred to in this section 4.3 is to be returned to the person identified in the table below at the prescribed time.

| Declarant | To whom should the disclosure be made? | When should the disclosure be made? |
|------------------|---|---|
| Reviewer | CEO of the Foundation and the Scholarship Coordinator | Prior to commencing the review of his/her tranche of applications. |
| Panellist | Panel Chair and CEO of the Foundation | On or before the date of the Panel's first meeting. |
| Panel Chair | CEO of the Foundation | No later than seven days prior to the meeting of any Panel the Panel Chair is to chair. |
| Director | The Chairman and CEO | No later than the latest scheduled board meeting prior to the opening date of applications. |
| Chairman | The Board of Directors and CEO | No later than the latest scheduled board meeting prior to the opening date of applications. |

5 Assessment and resolution of Conflicts of Interest

5.1 Absolute Prohibitions

(a) Prohibition of applications by persons involved in the Foundation

The Foundation does not, under any circumstances, accept applications from a current (or former, where that role was held at any time during the three months preceding the relevant Scholarship application deadline) Director or Staff Member.

For the purpose of this prohibition, Director or Staff Member includes any such person who is on leave from their role.

In the event a prohibited Applicant makes an application, the application must be rejected.

(b) Prohibition of applications by Family Members

The Foundation does not, under any circumstances, accept applications from a Family Member of a current Director, Staff Member. The Foundation may accept applications from a Family Member of a Reviewer or Panellist provided the Conflict of Interest is declared and resolved by the Foundation, such that the Reviewer or Panellist does not review or interview their Family Member.

For the purpose of this prohibition, Director, or Staff Member includes any such person who is on leave from their role.

In the event a prohibited Applicant makes an application, the application must be rejected.

5.2 Assessment of potential Conflict of Interest

Except where an application is prohibited pursuant to sections 5.1(a) and 5.1(b) of this policy, a disclosed potential Conflict of Interest must be assessed in accordance with the procedure described below.

(a) Potential Conflict of Interest disclosed by a Staff Member

If a Staff Member has disclosed a potential Conflict of Interest, other than the circumstance described in sections 5.1(a) and 5.1(b) above, the Chairman and CEO (unless the person

disclosing is the CEO, in which case the Board of Directors) must assess and if necessary resolve the Conflict of Interest according to section 5.4.

(b) Potential Conflict of Interest disclosed by a Reviewer

If a Reviewer has disclosed a potential Conflict of Interest, other than the circumstance described in sections 5.1(a) and 5.1(b) above, the CEO of the Foundation and the Scholarship Coordinator must assess and if necessary resolve the Conflict of Interest according to section 5.4.

(c) Potential Conflict of Interest disclosed by a Panellist (other than a Panel Chair)

If a Panellist (other than a Panel Chair) has disclosed a potential Conflict of Interest, other than the circumstance described in sections 5.1(a) and 5.1(b) above, the Panel Chair and CEO of the Foundation must assess and if necessary resolve the Conflict of Interest according to section 5.4.

Where the Panel Chair and CEO disagree as to the proper assessment and/or resolution of a disclosed potential Conflict of Interest, they should each make a recommendation to the Chairman. The Chairman must determine which proposed assessment and/or resolution is appropriate in the circumstances.

(d) Potential Conflict of Interest disclosed by a Panel Chair

If a Panel Chair has disclosed a potential Conflict of Interest, other than the circumstance described in sections 5.1(a) and 5.1(b) above, the CEO and the Chairman must assess and if necessary resolve the Conflict of Interest according to section 5.4.

Where the Chairman and CEO disagree as to the proper assessment and/or resolution of a disclosed potential Conflict of Interest, they should each make a recommendation to the Board of Directors. The Board of Directors must determine which proposed assessment and/or resolution is appropriate in the circumstances.

(e) Potential Conflict of Interest disclosed by a Director

If a Director has disclosed a potential Conflict of Interest, other than the circumstance described in sections 5.1(a) and 5.1(b) above, the Board of Directors must assess and if necessary resolve the Conflict of Interest according to section 5.4.

Where the Board of Directors disagree as to the proper assessment and/or resolution of a disclosed potential Conflict of Interest, they should determine the assessment and/or resolution by a simple majority vote.

The Director whose disclosed potential Conflict of Interest is the subject of the assessment may not participate in discussions or votes pertaining to the assessment and/or resolution.

5.3 Timing of Disclosure, Assessment and Resolution

Where a person has disclosed a potential Conflict of Interest, the declarant must not take part in a meeting and must not take part in the evaluation of applications for any Scholarship until the potential Conflict of Interest is assessed, and if necessary, resolved.

Where a Panel Chair and CEO of the Foundation are required to assess, and if necessary, resolve, a Conflict of Interest in respect of a Panellist, the Panel Chair and CEO of the Foundation (and if required, the Chairman) may make such assessment and resolution prior to the commencement of interviews conducted by the relevant Panel.

Persons involved in the assessment and if necessary, resolution of Conflicts of Interest may meet in person or communicate by any audio or audio-visual communication technology.

5.4 Possible Measures against Conflicts of Interest

(a) Principles

If a potential Conflict of Interest is assessed as requiring resolution, the assessor may nominate a measure to resolve the Conflict of Interest. A non-exhaustive list of potential resolutions is set out below. In determining a resolution to a Conflict of Interest, the person assessing the measure for resolution should have regard to the following criteria:

- (i) a resolution should be proportionate to the perceived weight of the Conflict of Interest; and
- (ii) the resolution should be sufficient so that a reasonable objective third party would consider the resolution reasonably mitigates the perception of a Conflict of Interest.

(b) Possible Measures:

No Conflict of Interest

- (i) No resolution required because the declared potential Conflict of Interest does not give rise to a Conflict of Interest.

Conflict of Interest presenting low risk of harm

- (ii) The declarant may retain his/her role in the Foundation and/or evaluation of Applicants subject to being prohibited from interviewing, reviewing, scoring or participating in deliberations (or some combination of the foregoing) in relation to the relevant Applicant.
- (iii) The declarant may retain his/her role in the Foundation and/or evaluation of Applicants but may not be present during any vote in respect of the group of Applicants including the Applicant with whom the declarant has disclosed a relationship. The fact that the person was completely excluded from the vote due to a Conflict of Interest must be documented in the minutes of the meeting.

Conflict of Interest presenting significant risk of harm

- (iv) The declarant must not participate in any Foundation meeting or interview where the relevant Applicant's application will be considered.
- (v) The declarant may not participate in a Panel or review a tranche of Applications including the relevant Applicant.
- (vi) The declarant must cease involvement in the Foundation in the capacity of Reviewer or Panellist in the relevant year, or the application must be rejected.
- (vii) The declarant must cease involvement with the Foundation, including as a Director, but not as a Sponsor or Donor, or the application must be rejected.

5.5 Disputes

Any person who discloses a potential Conflict of Interest who is dissatisfied with the assessment or proposed resolution of the Conflict of Interest may appeal to the Board of Directors by writing to the Chairman in writing. The Board of Directors, or a subcommittee of Directors duly authorised by the Board of Directors may, in their absolute discretion, make any decision upholding or rejecting the appeal.

Schedule 1 Declaration of Interests form

Declaration of Interests

The General Sir John Monash Foundation requires all volunteers who assist in Scholarship selection, including; Reviewers and Panellists to complete the following declaration for each Scholarship application round.

I declare that I have not provided a reference for any applicant nationwide in the current round

AND

I advise I have nothing to declare and can remain impartial in regard to any applicant being considered for a John Monash Scholarship in the current round;

I declare the following with regard to the listed applicant(s) who is/ (are) being considered for a John Monash Scholarship(s) in the current round.

| Applicant Name or Reference Number | Reason for declaration (professional and / or personal and nature of interest) | Decision(s) * (Office use) |
|------------------------------------|--|----------------------------|
| | | |
| | | |
| | | |
| | | |

Volunteer's Name: _____

State: _____

Signature: _____

Date: _____

I have noted the above declarations and, where a Conflict of Interest is deemed to exist, have discussed this with the volunteer before deciding as indicated above.

Signature: _____

Date: _____

Foundation Representative