



CONFLICT OF INTEREST IN CLOSE PERSONAL RELATIONSHIPS POLICY

A. Statement of Principle

1. A Board member should not be involved in the decision-making process or any other process which could advantage or disadvantage a member or potential member of the community where there is a close personal relationship.
2. The policy principles are:
 - (a) **Self-disclosure.** The community intends to rely on people disclosing that a potential or perceived conflict of interest exists because of the existence of a personal relationship.
 - (b) **Conflict of Interest.** The requirement to disclose the existence of a relationship is based solely on the potential for, or perception of, a conflict of interest, that is, the possibility that a decision may be biased or prejudiced, either in favour of or against, a person with whom there is a personal relationship.
 - (c) **Equity of treatment.** The policy seeks to assure that no undue advantage or disadvantage occurs because of the existence of a personal relationship.

B. Definitions

Close personal relationship includes family relationships (spouses, de facto spouses, same-sex partners, children, parents and close relatives), close friendships, sexual relationships, a relationship where one person is financially dependent on another, relationships where there have been previous instances of serious conflict between the parties, and a relationship that gives rise to a real or potential or perceived conflict of interest and includes relatives and financial relationships.

Employee means a person employed by the community including ongoing, fixed term or casual employment.

Family relationship means a relationship with a relative, a person in the same household, or a cultural family relationship.

Misconduct for the purposes of this policy can also mean serious misconduct.

Relative means the spouse, de facto spouse, same-sex partner, son, daughter or remote issue, or brother or sister, or remote linear ancestor, parent, and relationships by marriage or law, or cultural family relationship.



The ACT Jewish Community is a member of the JCA family of organisations

C. Conflicts of Interest

What is a conflict of interest?

3. A conflict of interest may be:
 - (a) actual - where a conflict actually exists; or
 - (b) perceived - when a conflict is only believed to exist; or
 - (c) potential - when a conflict is a future possibility.

When can a conflict of interest arise?

4. A conflict of interest may arise when a Board member, member or employee is in a position to:
 - (a) advance or hinder the interests of a member or potential member on the basis of their personal relationship; and/or
 - (b) act to the detriment of the community's interest because of their personal relationship.

What are the consequences of a conflict of interest?

5. A close personal relationship between Board members and employees can affect the decision-making process in areas such as:
 - (a) recruitment, selection, appointment, continuing appointment of staff;
 - (b) conditions of service, promotion, reclassification;
 - (c) termination of employment;
 - (d) provision of opportunities and resource allocation for staff training and development;
 - (e) referee reports, performance appraisals;
 - (f) tendering processes and contract arrangements; and
 - (g) authorisation of payment/funds.

D. Notifying a Conflict of Interest in Close Personal Relationships

Responsibilities of the Board of Management

6. The Board will support proper codes of conduct.
7. The President or Vice President has the right to investigate claims of conflict of interest in close personal relationships where resolution is not achieved by the Board.
8. The Executive of the Board is responsible for informing Board members, employees and members of the community of this policy and encouraging them to declare potential and actual conflicts of interests in close personal relationships.

Responsibilities of Board members and employees

9. In many cases, only the individual will be aware of the potential for conflict of interest arising from a close personal relationship. The onus is on the individual to:
 - (a) decline to participate in any situation where there is a conflict of interest and/or where their normal duties require such participation;
 - (b) declare that conflict to the President or Vice President; and

- (c) explain why they cannot undertake those normal duties.
10. If participation in a decision-making process cannot be avoided where there is the potential for a conflict of interest arising from a close personal relationship, this matter must be discussed with the President or Vice President to enable appropriate alternative arrangements to be made to safeguard the interests of all parties and to avoid the conflict of interest arising.

Referral to President or Vice President

11. Any Board member, member or employee who is directly affected by a decision resulting from a conflict of interest arising from a close personal relationship can refer the matter to the President or Vice President for investigation.

Failure to disclose

12. If a Board member, member or employee participates in a decision-making process and fails to disclose a conflict of interest in a close personal relationship, the decision can be voided with the possibility of disciplinary proceedings being invoked against the person involved or a sanction applied to that person.

Source: <http://policies.uws.edu.au/view.current.php?id=00093&dvid=1>

Authorisation

Karen Tatz
 Secretary
 ACT Jewish Community Inc

7 October 2015

Policy number	22/2015	Version	v01
Drafted by	Merrilyn Sernack	Approved by Board on	7 October 2015
Responsible person	Secretary	Scheduled review date	7 October 2018