

GUIDELINES ON CONFLICT OF INTEREST IN THESIS EXAMINATION

Background

Consideration of potential and/or objective conflicts of interest are an essential part of the process for appointing examiner at Victoria University. Victoria University's approach to thesis examination and the appointment of examiners to undertake such examinations conforms to national guidelines as enunciated in the Australian Qualifications Framework and the associated [Guidelines endorsed by the Australian Council of Graduate Research](#). Staff and candidates are also encouraged to review the [Victoria University Appropriate Workplace Behaviour Policy](#), the [Student Charter Policy](#), [Australian Code for the Responsible Conduct of Research](#), the [Victoria University Research Integrity Policy](#) and [Higher Degrees by Research Procedure 9 Submission, Examination and Classification](#).

The Guidelines presented here are developed as a tool to assist with determining if a conflict of interest(s), perceived or objective, may be present. The Guidelines should not be considered comprehensive or a substitute for obtaining advice relevant to particular circumstances.

The aim of the Guidelines on Conflict of Interest in Thesis Examination is to protect the candidate, examiner and the University against potential negative perceptions during the thesis examination process and to uphold the integrity of the degree. It is not a presumption that an individual will behave inappropriately.

Key principles

- A conflict of interest may be with the University, the Supervisor or the candidate;
- The existence of a conflict of interest does not automatically preclude a nominee being approved as a thesis examiner.
- When considering a recommendation of a nominee, the Chair of Examiners assesses the nature and severity of any conflict(s) of interest (COI), and makes a recommendation, which is then reviewed by the Dean Graduate Research;
- Examiners will be known to students on nomination to promote transparency and ensure that potential or objective conflict(s) of interest can be identified by stakeholders allowing potential or objective conflict(s) of interest to be managed;
- Appointed examiners, students and Supervisors will be all advised that if a perceived or objective conflict of interest emerges during the course of the examination process including up until the classification of the degree, they have a responsibility to inform the University.

Table A provides a matrix is provided to aid decision-maker in their task and to provide a reference point for all involved in thesis examination. **Note that Table A is not exhaustive and any additional concerns should be raised and discussed and advice sought from the Supervisor and/or Chair of Examiners in the first instance.**

Conflict of interest(s) have been categorised as follows:

- **Major Conflicts** - considered substantial and would normally result in the non-appointment of the examiner;
- **Minor Conflicts** – should be declared and explained, and may not inhibit the appointment of the examiner. However, several conflicts of interest that are individually minor, in combination, may be considered substantial, and could lead to a recommendation not to appoint an examiner.

Table A: Matrix of Managing Conflicts of Interest

Between Candidate-Supervisor

| Professional or Working relationships | |
|--|---|
| Minor | Major |
| Supervisor has a current professional relationship with the candidate (such as shared membership of a Board or Committee, including editorial and grant decision boards) or has general oversight of the candidate in an employment setting (for example, a casual or short-term appointment). | Supervisor is the direct line Manager or has significant line management responsibilities (e.g. appointment and performance management) for the candidate, and the conflict cannot be managed through other structures. |
| | Supervisor is currently in, or has had, a business or commercial relationship with the candidate within the last five years (for example, partners in a small business). |
| | Lack of an appropriate contractual agreement to manage commercial or other interests between Supervisor(s) and University (e.g. stipends) to manage the project arrangements as well as the dispute resolution process. |
| Personal or Social relationships | |
| Minor | Major |
| Supervisor has, or has had, personal contact with the candidate that may give rise to the perception that the Supervisor may be dealing with the candidate in a less than objective manner. | Supervisor has, or has had, a close personal relationship or other social, personal or legal relationship (e.g. landlord or lessee) with the candidate, irrespective of the date of that relationship. |

Between Candidate-Examiner

| Professional or Working relationships | |
|---|---|
| Minor | Major |
| Examiner has a current professional relationship, such as shared membership of a Board or Committee (including editorial and grant decision boards) with the candidate, but the duties do not require close collaboration and/or contact is limited. | Examiner and candidate have professional association, board or committee duties which involves close collaboration and interaction (e.g. both are office bearers). |
| Examiner is one of multiple authors on a publication or research output with the candidate and/or has been involved in editorial or related activities, where it is clear that there has been limited contact amongst contributors (for example, the candidate has a chapter or article published in a book or journal edited by examiner). | Examiner has co-authored a paper or other research output with the candidate within the last five years, where there was close collaboration during the production process. |
| Examiner has attended a candidate's milestone meeting or conference presentation but did not participate in the assessment process; or there was limited intellectual contribution to the direction or outcomes of the work; or the contribution was made as part of a double-blind review process. | Examiner has worked with the candidate on matters regarding the thesis development or provided significant input to research design and analysis (e.g. is a current or previous member of the supervision or advisory team or was external reviewer of an assessment piece during candidature). |
| | Examiner has employed the candidate or vice versa within the last five Years. |
| | Examiner is in negotiation to directly employ the candidate or vice versa |
| | Examiner has acted as a referee for employment of the candidate or vice versa within the last five years. |
| | Examiner is currently in or has had a business relationship with the candidate within the last five years (for example, partner in a small business). |
| | Examiner has previously assessed the candidate's research, either within the current or any previous higher degree candidatures, within the past five years. |
| | Examiner has a direct commercial interest in the outcomes of the candidate's work. |

Between Candidate-Examiner (cont.)

| Personal or Social relationships | |
|---|--|
| Minor | Major |
| Examiner has, or 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. | Examiner has, or has had, a close personal relationship or other social, personal or legal relationship with the candidate, irrespective of the date of that relationship. |

Between Supervisors

| Professional or Working relationships | |
|---|---|
| Minor | Major |
| Some power imbalance exists between the Supervisors, but it is not expected to materially affect the relationship and can be managed through other structures. | Significant power imbalance exists between Supervisors (e.g. line management, senior leadership roles) which may materially affect the supervisory relationship and cannot be managed through other structures (e.g. adding diversity to the Supervisor team or developing a Candidate/Supervisor agreement). |
| Personal or Social relationships | |
| Minor | Major |
| Supervisors have, or have had, a limited personal relationship, or other social, legal or commercial relationship, which may place the candidate at a disadvantage if they wish to raise concerns about supervision with either member of the team. | Supervisors have or have had a close personal relationship or other social, legal or commercial relationship, which may place the candidate at a disadvantage if they wish to raise concerns about supervision with any member of the team. |

Between Milestone Panel Member and either the Supervisor or the Candidate

| Professional or Working relationships | |
|--|---|
| Minor | Major |
| Some power imbalance exists between the Milestone Panel Member and Supervisor(s) milestone panel member and candidate, but it is not expected to materially affect the role of the milestone panel member and can be managed through other structures. | Significant power imbalance exists between the Milestone Panel Member and Supervisor(s) or milestone panel member and candidate (e.g. line management, senior leadership roles which may materially affect the role of the milestone panel member and cannot be managed through other structures. |
| Personal or Social relationships | |
| Minor | Major |
| Milestone Panel Member and Supervisor have, or have had, a limited personal relationship which may place the candidate at a disadvantage. | Milestone Panel Member has, or has had, a close personal relationship or other social, legal or commercial relationship with the Supervisor(s) or candidate. |

Between Examiner and members of the Supervision Team

| Professional or Working relationships | |
|---|--|
| Minor | Major |
| <p>Examiner has a current professional relationship, such as shared membership of a Board or Committee (including editorial and grant decision boards), with a member of the supervision team</p> <p>Examiner and Supervisor are part of multiple authorship on a publication or research output and/or have been involved in editorial or related activities, where it is clear that there has been limited contact amongst contributors (for example, the Supervisor has a chapter or article published in a book or journal edited by examiner).</p> | Examiner was a candidate of any member of the supervision team within the past five years or vice versa. |
| | Examiner has co-authored/edited a publication or output which has required close collaboration with any member of the supervision team within the last five years. (Mitigating circumstances may exist, for example where the paper in question has a large author list and where the Examiner and Supervisor have not collaborated directly.) |
| | Examiner holds, or has held, a grant with any member of the supervision team within the last five years. (Mitigating circumstances may exist, for example where the grant in question is held by a large consortium of relatively independent researchers.) |
| | Examiner holds a granted patent with any member of the supervision team and the term of the patent is still in force. |
| | Examiner has directly employed the Supervisor, or vice versa, in the past five years. |
| | Examiner has co-supervised with any member of the supervision team in the past five years. |
| | Examiner is currently in, or has, had a commercial relationship (for example, partner in a small business or employment) or other contractual relationship (e.g. landlord/lessee) with any member of the supervision team within the last five years. |
| | Examiner is in negotiation to directly employ any member of the supervision team or vice versa |
| Personal or Social relationships | |
| Minor | Major |
| <p>Examiner has had limited personal contact with any member of the supervision team that may give rise to the perception that the examiner may be dealing with the candidate in a less than objective manner.</p> <p>For example, if a principal supervisor was employed at the same university as the examiner this would be considered a conflict of interest.</p> | Examiner has, or has had, a close personal relationship or other personal, legal or commercial relationship with the Supervisor irrespective of the date of that relationship. |

Between Examiners

| Professional or Working relationships | |
|--|---|
| Minor | Major |
| Examiners have a current professional relationship, such as shared membership of a Board or Committee (including editorial and grant decision boards). | Examiners have a current significant professional relationship, such as shared Board or Committee (including chairs of editorial and grant decision boards). |
| Examiners hold, or have held, a grant or have co-published with another examiner within the last five years. | Examiners hold multiple grants or have frequently co-published in the last five years. |
| Examiners have worked at the same university in the last five years. | Examiner works in the same university as another examiner |
| Personal or Social relationship | |
| Minor | Major |
| | Examiner has, or has had, a close personal relationship or other social, personal or legal relationship with another examiner, irrespective of the date of that relationship. Note: <i>A close personal relationship between examiners would need to be disclosed by those individuals, rather than by a member of the Supervision team. Where it occurs, Victoria University would consider the matter accordingly.</i> |

Between Examiner – Victoria University

| Professional or Working relationships | |
|--|---|
| Minor | Major |
| Examiner is currently working for Victoria University pro bono or for a small fee (e.g., serving on a review panel or delivering a one-off workshop/training event). | Examiner has an ongoing paid contractual relationship with Victoria University. |
| Examiner has a current professional relationship with Victoria University (for example, holds membership of a Board or Committee). | Examiner is currently in negotiation with Victoria University regarding employment or work contract (other than examining the thesis). |
| | Examiner has received an Honorary Doctorate or other ceremonial award from Victoria University within the past five years. |
| | Examiner graduated from Victoria University within the past five years. |
| | Examiner is a current member of staff or has a current Honorary, visiting scholar, Adjunct or Emeritus position with Victoria University or has had such a position during the candidature or within the last five years. |
| | Examiner has examined for Victoria University two or more times in the past 12 months and/or five or more times in the past five years. |
| | Examiner has had a finding of misconduct or formal grievance with Victoria University, including any case currently under investigation. |

Between Industry Partner – Candidate

| Professional or Working relationships | |
|--|---|
| Minor | Major |
| A power imbalance exists between the industry partner and candidate, but is either not expected to materially affect the relationship, or is appropriately managed through other structures (including contractual arrangements) | Lack of an appropriate contractual agreement between Victoria University, industry partner and/or candidate, to manage the project arrangements as well as the dispute resolution process |
| Professional or Working relationships | |
| Minor | Major |
| Industry partner and candidate have, or have had, a limited personal relationship which may place the candidate at a disadvantage | Industry partner has, or has had, a close personal relationship or other social, legal or commercial relationship with the candidate, irrespective of the date of that relationship |
| <p>Note: <i>Industry partners, by their nature, exert control over the provision of resources and support for the project/candidature. Such arrangements are ordinarily described in and managed through the contractual arrangement between Victoria University and industry partner and/or the scholarship agreement between Victoria University and candidate. The above table focuses on instances where an appropriate contract is absent, or where interactions are evident outside of the contractual terms and which may influence the industry partner and candidate relationship (e.g. candidate is an employee of the industry partner or has a pre-existing personal or social relationship).</i></p> | |

Between Industry Partner – Supervisor

| Professional or Working relationships | |
|--|--|
| Minor | Major |
| | Lack of an appropriate contractual agreement between Victoria University and the industry partner to manage the project arrangements as well as the dispute resolution process |
| Professional or Working relationships | |
| Minor | Major |
| Industry Partner and Supervisor have, or have had, a personal relationship which may place the candidate at a disadvantage | Industry partner has, or has had, a close personal relationship or other social, legal or commercial relationship with any member of the Supervision team |

Glossary of Terms

Milestone Panel Member: This includes any internal or external members of panels or other milestone events (such as confirmation of candidature, mid-candidature review, towards submission) where a significant contribution is being made to the assessment of a candidate's progress or other decisions about candidature.

Close Personal Relationship: Includes known relative, friend, associate or mentor; an existing or previous emotional relationship including de facto or marriage; legally recognised family member (for example stepfather, sister-in-law etc.); a financially dependent person; a current or former legal guardian or dependent; or one who has power of attorney for another.

Examiner: a person who participates in or is nominated to participate in, examination of a HDR candidate's thesis (including creative works and/or performances and oral examinations).

Industry Partner: an individual in a professional setting outside higher education who agrees to host a candidate for an internship or placement; or who acts in a Supervisor capacity for the candidate; or who provides significant resourcing for the candidate and/or project (e.g. scholarship stipend, background intellectual property).

Minor Risk: a conflict that can be appropriately managed through monitoring and a management strategy (e.g. to avoid, reduce or share the conflict); noting that the existence of multiple low-level conflicts would generally change the rating to 'major risk'. Furthermore, minor risk would normally be defined where not more than one individual has a 'minor' conflict of interest.

Major Risk: a significant duality or conflict of interest, generally indicating a need to find an alternative arrangement in order to appropriately manage the risk, such as appointing an alternative examiner, Supervisor or milestone panel member.

Publications/research outputs: outputs of variously different forms, that meet the definition of research and have been published or brought into the public domain. This may include books, journal articles, conference publications, original creative works, live performances of creative work, curated exhibitions, patents and research reports for an external body or a portfolio.

Supervisor/Supervision team: A person or persons appointed to oversee the academic direction of the candidature's work throughout the design, execution and dissertation activities.

(Adapted from the guidelines developed by the Australian Council of Graduate Research, November 2021)