Australian Council of Graduate Research (ACGR)

Conflict of Interest Guidelines

The use of independent thesis examiners is an important defining feature of Australian Higher Degree by Research (HDR) programs. The independence of examiners is one indicator of the quality of the examination process and of the course as a whole.

The process of examination and classification of theses assumes that examiners undertake the task independently and without bias. Professional and personal relationships between examiners and a candidate and their supervisors/advisors, and relationships between examiners and the University, have the potential to introduce bias and thus compromise the independence of the examination, in fact or in perception.

The independence of examiners can be ensured by the use of:

- internal guidelines on what might constitute (risk of perception of) conflict of interest,
- a nomination process with a formal review procedure.

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 examiner and various parties including the candidate, the supervisor/advisor, the University, the subject matter itself and another examiner. 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 examiner from minor (potential) conflicts that should be declared and explained but which should not normally, independently of other considerations, inhibit the appointment of the examiner.

- Recognise that some conflicts of interest arising through collaboration on publications and/or research grants, or membership of an advisory board, may be mitigated by the size of the team and a corresponding relative independence of some members of the team. Indeed in some cases, members of a team may never have met nor corresponded directly.

Conflicts of Interest

Listed below are examples of different types of conflict of interest that may arise between the examiner and various parties including the candidate, the supervisor/advisor, the University, the subject matter itself and another examiner. The list is indicative and is not to be considered exhaustive.

A. Conflict with the Candidate		
Working relationship		
A1.	Examiner has co-authored a paper with the candidate within the last five years	MAJOR
A2.	Examiner has worked with the candidate on matters regarding the thesis e.g. previous member of the advisory team	MAJOR
A3.	Examiner has employed the candidate or been employed by the candidate within the last five years	MAJOR
A4.	Examiner is in negotiation to directly employ or be employed by the candidate	MAJOR
A5.	Examiner has acted as a referee for the candidate for employment	MAJOR
Personal relationship		
A6.	Examiner is a known relative of the candidate	MAJOR
A7.	Examiner is a friend, associate or mentor of the candidate	MAJOR
A8.	Examiner 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
Legal relationship		
A9.	Examiner is or was married to the candidate	MAJOR
A10.	Examiner is legally family to the candidate (for example, step-father, sister-in-law)	MAJOR
A11.	Examiner is either a legal guardian or dependent of the candidate or has power of attorney for the candidate	MAJOR
Business, Professional and/or Social Relationships		
A12.	Examiner 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.	Examiner is in a social relationship with the candidate, such as co-Trustees of a Will or god-parent	MAJOR
A14.	Examiner 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.	Examiner 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

Working Relationship		
B1.	Examiner was a candidate of the supervisor within the past five years	MAJOR
B2.	Examiner has co-supervised with the supervisor in the past five years	MAJOR
B3.	Examiner holds a patent with the supervisor granted no more than eight years ago and which is still in force	MAJOR
B4.	Examiner had directly employed or was employed by the supervisor in the past five years	MAJOR
B5.	Examiner holds a current grant with the supervisor	MAJOR[1]
B6.	Examiner has co-authored a publication with the supervisor in the past five years	MAJOR[2]
Personal Relationship		
B7.	Examiner is in negotiation to directly employ or be employed by the supervisor	MAJOR
B8.	Examiner is a known relative of the supervisor	MAJOR
B9.	Examiner 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
Legal Relationship		
B10.	Examiner is or was married to the supervisor	MAJOR
B11.	Examiner is legally family (for example, step-father, sister-in-law) to the supervisor	MAJOR
B12.	Examiner is either a legal guardian or dependent of the supervisor or has power of attorney for the supervisor	MAJOR
Business, Professional and/or Social Relationships		
B13.	Examiner is currently in or has had a business relationship with the supervisor in the last five years (for example, partner in a small business or employment)	MAJOR
B14.	Examiner is in a social relationship with the supervisor, such as co-Trustees of a Will or god-parent	MAJOR
B15.	Examiner 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.	Examiner 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 examiner and supervisor have not collaborated directly.

C. Conflict with The University

Working Relationship		
C1.	Examiner is currently in negotiation with the University for a work contract (other than examining thesis)	MAJOR
C2.	Examiner is currently working for the University pro bono (for example, on a review)	MINOR
C3.	Examiner has examined for the University two or more times in the past 12 months and/or five or more times in the past five years	MINOR[3]
Other Relationship		
C4.	Examiner has received an Honorary Doctorate from the University within the past five years	MAJOR
C5.	Examiner graduated from the University within the past five years	MAJOR
C6.	Examiner has/had a formal grievance with the University	MAJOR
Professional Relationship		
C7.	Examiner is a current member of staff or has a current Honorary, Adjunct or Emeritus position with the University or has had such a position during the candidature of the candidate or in the past five years	MAJOR
C8.	Examiner has a current professional relationship with the University (for example, membership of a Board or Committee)	MINOR
C9.	Examiner has a current Visiting position with The University or has had such a position during the candidature of the candidate or in the past five years	MINOR

3. Mitigating circumstances may exist, for example where an examiner has examined candidates across different Schools of the University

D. Conflict with the subject matter		
Research		
D1.	Examiner has a direct commercial interest in the outcomes of the research	MAJOR

E. Conflict with other examiners		
Working Relationship		
E1.	Examiner works in the same department/school as another examiner	MAJOR
Personal Relationship		
E2.	Examiner is married to, closely related to or has a close personal relationship with another examiner	MAJOR
Professional Relationship		
E3.	Examiner has a professional relationship with another examiner	MINOR

Additional notes on management of the guidelines

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

It would be unreasonable to expect potential examiners to make decisions about their suitability to examine (with reference to these or other guidelines), though it is reasonable to expect them to declare conflicts of interest and to make provision for this in examiners' reporting forms. The nomination of examiners is best made by the supervisory team and/or enrolling school and subsequently formally approved by a third party. In many institutions formal approval will be by delegated authority of the Board of the Graduate Research School or equivalent.

The most frequent concerns raised by supervisors relate to conflicts of interest between an examiner and a supervisor/advisor, especially with respect to co-authorship (B6). There is occasionally a tension between the need to find an independent examiner and the need to find an examiner with expertise in the field of the thesis, especially where that 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 examiner. An examiner's 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 examiners.

The most frequent concern raised by candidates is in relation to formal and informal contact between the candidate and potential examiners (A2). Candidates often ask if they should avoid attending conferences organised by a potential examiner or at which they may have contact with a potential examiner, avoid presenting papers in a department at which a potential examiner works, or avoid submitting papers to a journal edited by a potential examiner. No conflict of interest exists in these cases and it would defy common sense to consider proscribing such valuable activities. As a general rule of thumb, a conflict of interest exists where a potential examiner has worked with the candidate 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.

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