



Conflict of Interest Policy

1. Purpose

The purpose of this policy is to assist the trustees and directors of DCU Educational Trust to effectively identify, record and manage any conflicts of interest in order to protect the integrity of DCU Educational Trust and to ensure that the trustees and directors act in the best interest of the Trust.

2. Objective

The DCU Educational Trust board (called the 'board of trustees' in this policy) aims to ensure that the trustees and directors (herein jointly called the 'trustees' in this policy) are aware of their obligations to disclose any conflicts of interest that they may have, and to comply with this policy to ensure they effectively manage those conflicts of interest as representatives of DCU Educational Trust.

3. Scope

This policy applies to the council of trustees and the board of directors of DCU Educational Trust.

4. Definition of conflicts of interests

A conflict of interest is any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent the trustee from making a decision in the best interests of the charity. This personal interest may be direct or indirect, and can include interests of a person connected to the trustee and may include the following:

1. Any employment, business or professional interest, including shareholdings, directorships, professional relationships and so forth that could involve a conflict of interest or could materially influence the member in relation to the performance of his/her functions as a member of the Council / Board of Trustees. If, during the duration of his/her membership any new development on the lines outlined above transpires, the member should advise the Corporate Secretary.
2. Any interests of a member's family of which he/she could be expected to be reasonably aware or a person or body connected with the member which could involve a conflict of interest or could materially influence the member in the performance of his/her functions should also be disclosed. For this purpose, persons and bodies connected with a member should include:

- a. a spouse, parent, brother, sister, child or step-child;
- b. a corporate body with which the member is associated;
- c. a person acting as the trustee of any trust, the beneficiaries of which include the member or the persons at
 - i. 4.2 above or
 - ii. the corporate body at 4.1 above
- d. a person acting as a partner of the member or of any person or body who, by virtue (a) – (c) above, is connected with the member.

These situations present the risk that a person will make a decision based on, or affected by, these influences, rather than in the best interests of the trust and therefore must be managed accordingly.

5. Policy

This policy has been developed because conflicts of interest commonly arise, and do not need to present a problem to the trust if they are openly and effectively managed. It is the policy of the DCU Educational Trust as well as a responsibility of its trustees/directors, that ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with their obligations to DCU Educational Trust.

DCU Educational Trust will manage conflicts of interest by requiring trustees to:

- avoid conflicts of interest where possible
- identify and record any conflicts of interest
- carefully manage any conflicts of interest, and
- follow this policy and respond to any breaches.

5.1 Responsibility of the board of trustees

The board is responsible for:

- establishing a system for identifying, disclosing and managing conflicts of interest across the trust;
- monitoring compliance with this policy; and
- reviewing this policy on an annual basis to ensure that the policy is operating effectively.

The trustees should ensure they are aware of their legal obligations in the management and control of the trust and should refer to the Charities Regulator's 'Guidance for Charity Trustees' for further information on this – see their website www.charitiesregulator.ie

5.2 Identification and disclosure of conflicts of interest

Once an actual, potential or perceived conflict of interest is identified, it must be entered into DCU Educational Trust's register of interests, as well as being raised with the board of trustees. The register of interests must be maintained by the corporate secretary, and record all information related to a conflict of interest (including the nature and extent of the conflict of interest and any steps taken to address it).

Confidentiality of disclosures

Access to any disclosures will be treated in the strictest of confidence. The information disclosed will be restricted to the board of charity trustees and the secretary to the board.

6. Action required for management of conflicts of interest

6.1 Conflicts of interest of members of the council of trustees and board of trustees

Once the conflict of interest has been appropriately disclosed, the board of trustees (excluding the disclosing trustee and any other conflicted person) must decide whether or not a conflicted charity trustee should:

- vote on the matter,
- participate in any debate, or
- be present in the room during the debate and the voting.

In exceptional circumstances, such as where a conflict is very significant or likely to prevent a trustee from regularly participating in discussions, it may be worth the board of trustees considering whether it is appropriate for the person with the relevant conflict to resign from the board of trustees.

6.2 What should be considered when deciding what action to take

In deciding what approach to take, the board of charity trustees will consider:

- whether the conflict needs to be avoided or simply documented
- whether the conflict will realistically impair the disclosing person's capacity to impartially participate in decision-making
- alternative options to avoid the conflict
- the trust's objects and resources, and
- the possibility of creating an appearance of improper conduct that might impair confidence in, or the reputation of, the trust.

The approval of any action requires the agreement of at least a majority of the board of trustees (excluding any conflicted trustee) who are present and voting (if applicable) at the meeting. All details regarding the conflict of interest, including the action arising, will be recorded in the minutes of the meeting.

7. Compliance with this policy

If the board of trustees has a reason to believe that a person subject to this policy has failed to comply with it, it will investigate the circumstances.

If it is found that this person has failed to disclose a conflict of interest, the board of trustees may take action against the person. This may include seeking the person's resignation from the charity.

If a person suspects that a trustee has failed to disclose a conflict of interest, they must notify the board of trustees, or the corporate secretary.

Contacts

For questions about this policy, contact the board of charity trustees or corporate secretary by e-mail to john.m.oneill@dcu.ie.