

# EXAMINATION CONFLICT OF INTEREST GUIDELINES

(Adapted from Australian DDOGS guidelines May 2011)

The purpose of these guidelines is to assist supervisors in nominating examiners with desired characteristics. The Guidelines are not a prescriptive formula. They are intended to facilitate the timely selection of an examination panel which is fit-for-purpose to the highest possible standard.

## WHAT IS A CONFLICT OF INTEREST?

A conflict of interest is a situation in which relational considerations, often of a personal nature, have the potential to compromise or bias professional judgment and objectivity. It may be of a tangible nature, for example where interests revolve around the ownership and exchange of property, money and resources. Alternatively, it may be of an intangible nature where interests revolve around the ownership and exchange of reputation and ideas. The latter has particular relevance in the academic research environment where original publication and the pursuit of new knowledge are cornerstones.

The Conflict of Interest guidelines here are a useful way of reminding all those nominating and appointing examiners that there is a need to ensure the independence of the examination, in both fact and perception. The guidelines are thus designed to protect not only the candidate, but also the examiners and University staff participants, against potential negative perceptions during and beyond the examination process. There is no presumption behind them that any individual in the chain will knowingly behave in an inappropriate way.

The use of independent thesis examiners is an important defining feature of the Doctorate. The independence of examiners is also one indicator of the robustness with which Massey assures its high doctoral standards, arguably well amongst the best nationally. The process of awarding the doctorate naturally - assumes that examiners undertake their role 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 raising awareness of what might constitute a conflict of interest, real and perceived; and,
- a two stage examiner selection process, with nomination by supervisors followed by formal appointment by the DRC. You are welcome to view the room prior to your exam, to do this please liaise with the GRS staff member who is arranging your oral exam. The rooms we use are quite busy and may not be available if you haven't arranged this in advance.

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.

It would be unreasonable to expect potential examiners to make impartial decisions about their suitability to examine (with reference to these or other guidelines). To do so could place them in an invidious position, and also cause the University to abrogate its own responsibilities. It is though reasonable to expect them to declare conflicts of interest and to make provision for this in examiners' reporting forms.

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. 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 furrow of the thesis is not the only (nor necessarily the only primary) consideration in selecting a potential examiner. An examiner's broad knowledge of the parent field of research, experience as a supervisor of Doctoral candidates and Doctoral examination are all pertinent. So is their broad familiarity with the expectations for an NZ Doctorate and, better still a Massey Doctorate.

The most frequent concern raised by candidates is in relation to formal and informal contact between the candidate and potential examiners. 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 thesis research has been discussed.

## POTENTIAL PERCEIVED OR REAL CONFLICTS OF INTEREST?

Listed below are some 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.

<b>A. Conflict with the Candidate</b>		
<i>Working relationship</i>		
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
<i>Personal relationship</i>		
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
<i>Legal relationship</i>		
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
<i>Business, Professional and/or Social Relationships</i>		
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

<b>B. Conflict with the Supervisor/Advisor</b>		
<i>Working Relationship</i>		
B1.	Examiner was a candidate of the supervisor within the past <b>three</b> years	MAJOR
<b>B2.</b>	<b>Examiner has co-authored a publication with the supervisor in the past three years</b>	MAJOR <sup>1</sup>
<i>Personal Relationship</i>		
B3.	Examiner is in negotiation to directly employ or be employed by the supervisor	MAJOR
B4.	Examiner is a known relative of the supervisor	MAJOR
B5.	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
<i>Legal Relationship</i>		
B6.	Examiner is or was married to the supervisor	MAJOR
B7.	Examiner is legally family (for example, step-father, sister-in-law) to the supervisor	MAJOR
B8.	Examiner is either a legal guardian or dependent of the supervisor or has power of attorney for the supervisor	MAJOR
<i>Business, Professional and/or Social Relationships</i>		
B9.	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
B10.	Examiner is in a social relationship with the supervisor, such as co-Trustees of a Will or god-parent	MAJOR

<b>C. Conflict with The University</b>		
<i>Working Relationship</i>		
<b>C1.</b>	<b>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</b>	<b>MINOR<sup>2</sup></b>
<i>Other Relationship</i>		
C2.	Examiner has/had a formal grievance with the University	MAJOR

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

<b>E. Conflict with other examiners</b>		
<i>Personal Relationship</i>		
E1.	Examiner is married to, closely related to or has a close personal relationship with another examiner	MAJOR

1. 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.
2. Mitigating circumstances may exist, for example where an examiner has examined candidates across different Schools of the University