

Conflict of Interest and University Administrators

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Abstract

The role of Administrators in the functioning, growth and development of any institution is of prime importance. Within the scheme of things, administrators play a critical role in the life of any University. The success of any institution therefore largely rests on the effectiveness and efficiency of Administrators. Unfortunately, little is known about how to recognise and deal with conflict of interest which is inevitable in the working life of any administrator. This phenomenon tends to make some administrators corrupt, inefficient, ineffective and unprofessional in the course of their work. This is a theoretical paper which delves into an area little known by some administrators in general and particularly, administrators in tertiary institutions in Ghana by looking at the Constitution of Ghana, 1992, and the guidelines for public officers. Moreover, the paper explains five principles outlined to help Administrators in dealing with conflict of interest. Specifically, the paper makes the point that managing conflict of interest must be the goal of all administrators in the 21st century, because of the enormous benefits it brings to the institution when there is efficient and effective management. The benefits include that, it is ethical and a good practice; promotes fairness and reduces corruption; reduces the cost of doing business; promotes good public relations; promotes transparency and ensures leadership for the public good.

Keywords: conflict of interest, senior administrators, conflict, public officers, registrar

1. Introduction

The role of the Senior Administrator in public universities is crucial and important to the success of any University. The Senior Administrator belongs to the Registrar's Office. The Registrar plays a unique role in the University's Administrative/Management hierarchy. The position constitutes the hub around which the Management of the University revolves. Among the numerous functions of the Registrar are that he/she acts as the Chief Administrative Officer of the University and the custodian of the University's seal and is also responsible to the Vice-Chancellor for the general administration of the University. The Registrar provides guidance for the framework within which policies are made. The Registrar and any member of the Office does not make rules and regulations, but once these have been made by the appropriate University Board or Committee, they ensure their enforcement/implementation. The role played by the Registrar and any member of the office cannot be over emphasized and they are indispensable.

The Registrar's duties may be categorised as follows:

The first category is Secretarial. In this group, the Registrar's duties include:

- Stewardship of the constitutional and business rules and procedures.
- Co-ordination of the flow of business in terms of both timing and contents.
- Transmission of discussions and decisions of Board/Committees.
- Provision of information and documents to facilitate decisions.

In the second category of duties, the Registrar is responsible for:

- The recruitment, appointment, training and career development of Staff of the University.
- Providing administrative assistance to the point and priority of need in the University, for example, through structural changes in the administration.
- Directing management and administrative functions, e.g. records, establishment, appointments, accounts, admissions, etc.

In the third category, the Registrar acts as an advisor to senior management both as a member of the University's Senior Team of Officers and as a confidential advisor to the Vice-Chancellor and University Boards and Committees, chiefs among which is the University Council. In all these duties, the Registrar has an obligation to contribute ideas and policies as well as to follow legitimate instructions.

In all the three categories, the Registrar delegates much of his duties to his deputies and other senior administrators in the divisions of his Office. The Office of the Registrar is structured to make the sections within the office more effective, efficient and well focused in helping to accelerate the development of the University. The daily working at the Registrar office makes it prone to conflict of interest. Within the University, senior administrators include all senior members who are non-teaching staff; these are Junior Assistant Registrar and analogous grades for other professionals to the rank of Directors.

The issue of concern is that senior administrators do not work with or are guided by any clear rules on conflict of interest situation in the university (such as the code of conduct for public officers), neither are they mindful of

the constitutional injunction on conflicts of interests because such situations may be common and pervasive. Pope (2000) suggests it is inevitable that a person's various interests will periodically clash with their work decisions or actions. Yet it is not always easy to determine whether a conflict exists, or whether a conflict will significantly impact on a person's actions. Indeed, the mere perception that a conflict of interest situation might exist is enough to make such a conflict an issue for concern – whether or not it is 'real', or whether or not it tempts an individual to act inappropriately.

On 18th October, 2012, on the www.blog.foreignpolicy.com under the caption was there a conflict of interest behind the Nobel literature prize? The decision to award the Nobel Prize in literature to **Mo Yan**, a Chinese writer who finally won the prize, though easing anxiety among the country's leaders regarding the Western world's recognition of Chinese cultural prowess, it raised issues about the integrity of that prize in Sweden.

The major issue was whether or not the role played by Göran Malmqvist, a Sinologist and member of the Swedish Academy, in Mo's selection, lobbying the academy to recognize the Chinese writer and providing Swedish translations of the writer's work to other members of the academy was not a clear case of conflict of interest. This is because there was greater likelihood of him benefitting financially from the translations and more so, when he is the person to provide the translation to a Swedish publisher for publication. To some, Malmqvist's actions in this particular instance might have been in violation of the Swedish Academy's conflict of interest rules, which are extremely strict in order to prevent this type of real or perceived impropriety. According to the rules in the academy's policies, where there is the slightest possibility of or an indication of conflict of interest, a member of the academy is required to excuse him/her from deliberations. In other words, a member who perceives that he/she has any interest in any subject matter under discussion should not participate in the handling of the issues.

2. Who Is A Public Officer?

A public officer is a person who holds Public Office. The Constitution of Ghana, 1992, provides that "a public officer shall not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of his office"(Article 284). In Article 288, "a public officer is defined as a person who holds a public office".

A public office is described as an office whose office holders emoluments are paid directly from the Consolidated Fund, or monies provided by Parliament, and a public corporation established and financed with public funds. The senior administrator in the public university qualifies fully as a public officer like any public or civil servant. By implication, it means that the senior administrator is enjoined by the provisions in the Constitution of Ghana, 1992 in respect of public officials.

3. Conflict of Interest

Conflict of interest arises when a person (public official) in making a decision is faced with more than one interest against which to judge his/her best course of action. The conflict of most concern is that between one's personal interests and his/her professional interests.

According to Thompson (1995) a conflict of interest is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest. Primary interest refers to the principal goals of the profession or activity, such as the protection of clients, the health of patients, the integrity of research, and the duties of public office. Secondary, interest includes not only financial gain but also such motives as the desire for professional advancement and the wish to do favours for family and friends. Interestingly, most conflict of interest rules usually focus on financial relationships because they are relatively more objective, and quantifiable. The secondary interests are not treated as wrong per se, but become objectionable when they are believed to have greater weight than the primary interests. The conflict in a conflict of interest exists whether or not a particular individual is actually influenced by the secondary interest. It exists if the circumstances are reasonably believed (on the basis of past experience and objective evidence) to create a risk that decisions may be unduly influenced by secondary interests.

The presence of a conflict of interest is independent from the execution of impropriety. Therefore, a conflict of interest can be discovered and voluntarily defused before they can lead to any form of corruption.

According to Code of Conduct for Public Officers by the Commission on Human Rights and Administrative Justice (2009), conflict of interest refers to a situation where a public officer's personal interest conflicts with or is likely to conflict with the functions of his/her office.

In other words, a conflict of interest includes:

- i. Any interest or benefit, financial or otherwise, direct or indirect;
- ii. Participation in any business transaction, or professional activity;
- iii. An incurring of any obligation of any; or
- iv. An act of omission

which is or appears or has the tendency to conflict with the proper discharge of a public official's duty.

4. Why should the senior administrator be concerned about conflict of interest?

Having interest per se is not unethical and unprofessional, but having more than one interest means that decision-making or facilitating the decision making in one realm of interest may be compromised by considerations from another realm. This point is buttressed by Brock when he posits that "Our personal activities could unduly influence a professional judgment, or bring our primary obligations into question" (Brock, 2002).

The senior administrator is a public official and of great concern must be when his/her person's private interests compromise or unduly influence their public decision-making, creating the possibility that their actions may be inappropriate, unethical or even corrupt. According to Carney (1998) "Conflicts of interest raise an ethical dilemma when the private interest is sufficient to influence or appear to influence the exercise of official duties..."

However, Carney goes on to note that the existence of conflicts of interest does not in itself imply corrupt behaviour: Corruption is the 'misuse of public power for private profit'... Whether particular conduct constitutes unethical behaviour or worse depends on the circumstances and the reaction to the conflict [of interests]. Corruption lies at one extreme of that spectrum of conflict of interest. (Carney, 1998)

The widespread existence of conflicts of interest and their potential for corruption makes conflicts of interest an issue of intense ongoing concern.

5. Principles of Conflict of Interest

According to the Code of Conduct for Public Officers by the Commission on Human Rights and Administrative Justice, (2009) five principles have been outlined to help in dealing with conflict of interest. The principles are as follows:

1. Public officers shall honour and abide by the constitution and laws of Ghana in the performance of their official duties with integrity, dignity and professionalism.
2. Public officers shall honour their official duties with honesty and efficiency, adhering to appropriate standards.
3. Public officers shall not bring the public service into disrepute through their official or private activities.
4. Public officers shall not put themselves in positions where their personal interest conflict or are likely to conflict with the performance of the performance of the functions of their offices.
5. Public officers shall maintain political neutrality in the performance of their functions.

6. Areas of conflict of interest for Administrators

The senior administrator's daily schedule involves a myriad of conflict of interest situations for which he/she ought to be mindful and conscious of in order not to fall prey. Unfortunately, the business-as-usual syndrome could serve as the "little fox that spoils the vine". The following activities must be looked at seriously:

- i. Staff supervision in relation to attendance, punctuality and output of work.
- ii. Truancy during working hours.
- iii. Undue delays in processing of applications for employment
- iv. Undue delays in processing applications for promotion, study leave and other staff benefits.
- v. Involvement in procurement processes
- vi. Ineffective information dissemination to staff.

7. Identifying Conflict of Interest

It is important that the senior administrator in public universities learn to effectively deal with conflict of interest situations in the performance of their official duties. Learning from the Guidelines on the conflict of interest to assist public officials' identifies, manage and resolve conflicts of interest. From the above discussions, it is crucial that administrators consciously learn to identify conflict of interest and then deal with situations as they come to promote professionalism at the workplace.

1. Conflicting financial interests. This deals with financial issues and considerations likely to influence decision making for some personal gains in relation to award of contracts, procurements of goods and services, admissions and other related matters. To deal with such a situation, the administrator must not participate in his/her official capacity in any particular matter in which he/she has financial interest (direct/indirect) or where the matter will have direct or indirect effect on the personal interest.
2. Self-dealing. This is the situation where the senior administrator will be dealing with himself/herself in two capacities (buyer and seller) in the same transaction.
3. Dealing with close relations. The senior administrator must not be involved in decisions involving entities and business where such could result in any benefit to an entity or business that is closely

connected to him/her. The major issue here is whether or not the administrator can/cannot be absolved of the impartiality or bias.

4. Recruitment and employment. The senior administrator must ensure that he/she does not influence recruitment of family relations, school mates, social mates, spouses, extended family members into the institutions by bypassing official requirements and processes.
5. Engaging other employment during working hours. The administrator must not engage in another employment for personal gain.
6. Abuse of Office. This include the use of office for private gain, inducement and manipulation of person who come to office for service; use of government property for private gain, use of official time for personal benefit, use official information for personal benefit and influence peddling.
7. Accepting of gifts. The senior administrator must not accept any gift that he/she cannot declare to his/her superior as required or to his colleagues because of either the motive behind or the quantum of money involved.

8. Benefits in dealing with conflict of interest

The senior administrator must master courage, wisdom and the technical know-how to be able to deal with conflict of interest in his/her profession. Conflict of interest will arise in the life of any administrator but he/she must resolve to remain a true professional worth his/her salt.

First knowing conflict of interest situations is the first step. The second step is as soon as practicable, when perceived or real, the senior administrator must remove himself by taking the appropriate steps. This could mean reporting the situation to the immediate supervisor and physically removing himself/herself from the conflict. It is important that in identifying the situation, the officer must at all cost be very objective, since failure to do so by rationalizing will lead one to compromise primary interest with secondary interest.

It should be the goal of every public official especially, senior administrators because of the enormous benefits it brings to the institution. Efficient and effective management of conflicts of interest has a number of benefits not only to the senior administrator but the entire institution.

First, it is good practice and ethical. Second, it promotes fairness in service delivery by ensuring official decisions are as unbiased but objective as possible, Third, it reduces the likelihood of high cost of winning contracts and doing legitimate business with institutions, Fourth, it builds and promote good corporate image, promote good public relations and prevent corruption from occurring within the institution, Fifth, it promote transparency and instills confidence in the organisation's clients and stakeholders. Sixth, it also guarantees good leadership. To ensure good management of conflicts of interest, organisations can adopt a variety of rules, guidelines, procedures and codes.

9. CONCLUSION

Conflict of interest is inevitable in the working life of any administrator. It has the tendency to make administrator corrupt, inefficient, ineffective and unprofessional. The administrator who in his/her official capacity promotes personal interest over public interest is not the kind of senior administrator that public universities require in the 21st century. The university must consciously ensure good management of conflict of interest situation, by adopting a variety of rules, guidelines, procedures and codes as suggested in the paper.

As a canker, it must be the duty of every senior administrator in the university to effectively deal with conflict of interest and help others (teaching senior members) not to promote same in public in universities.

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