

# GUIDELINES ON CONFLICTS OF INTEREST AND BIAS IN CHURCH DECISION MAKING

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## Introduction

Decision-makers must be fair and impartial and act in accordance with natural justice principles and integrity at all times. A person who has a conflict of interest or is biased cannot meet those standards. Where a reasonable bystander could reasonably perceive a conflict of interest or bias then that perception of apparent conflict or apparent bias is sufficient also to impugn actions or decisions, and so it is essential to avoid not only actual conflicts of interest and actual bias but also to avoid potential conflicts of interest and apparent (but not actual) bias. These matters are of such fundamental importance that there are legislation and Codes of Conduct concerning them for politicians, public servants, and many professions.

It is important for the Church that its Ministers and decision-makers avoid actual or potential conflicts of interest and actual or apparent bias in their dealings with others on behalf of the Church. Where appropriate, stop and ask yourself the question, on an objective basis, whether or not you have a conflict of interest, or a bias, or may be perceived to have a conflict of interest or bias. New Zealand is a small community, and our Church is of course only a part of that. It is inevitable that from time-to-time decision-makers may know one or more protagonists in any particular case. It is sometimes the case that disclosure of this knowledge will allow those concerned to give informed consent to continued involvement in the process where appropriate. However, it may be that within a body or committee of decision-makers itself, discussion about bias or conflict of interest issues results in a member standing aside for a particular situation.

If in doubt seek advice.

## Conflict of Interest

This is a contemporary restatement of Jesus' admonition that "you cannot serve two masters". "Interests" includes financial, personal or professional interests which could directly or indirectly compromise independence or integrity, or impartiality. Family, friendship and financial relationships are obvious examples of where conflicts are likely to arise. The best way to deal with conflicts of interest is to avoid them. If this appears problematic, disclosure or third party evaluation is essential. Where informed waiver is not possible or desirable, stepping aside from the decision-making process is required.

## Bias

A bias is a prejudice or preference in a general or specific sense that precludes an impartial objective approach. Actual or presumptive bias exists in a person precluding that person's involvement in any role as a decision-maker where he or she has a direct or financial interest in the subject matter or outcome of process. What is more commonly the subject of criticism and judicial attack are situations of apparent bias. The test applied to determine whether a person should not be involved in an issue because of apparent bias is whether or not the involvement would raise in the mind of the reasonable observer knowing all the material facts a real danger of bias, which may result in an unfair process or conclusion or both. An example (in Church terms) is where a person or committee has reached credibility conclusions in respect of an individual in one case: the same person or committee should not be involved in a subsequent case in which the credibility of that individual will again arise.

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