

Conflict of Interest Policy

Version 01

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Definitions

For the purposes of this Policy, the following **capitalised terms** (which are used throughout this Policy) shall have the following meanings in the context of this Policy:

Term	Definition
Policy	This Conflict of Interest Policy
Conflict(s) of Interest	A situation in which someone's personal interests, obligations or loyalties could influence, or be seen to influence, the objective performance of their official University duties and responsibilities. This personal interest can be direct or indirect, and it can include the interests of parties connected to them (see definition of connected person below). For the purpose of this Policy every reference to Conflict of Interest shall include actual, potential or perceived conflicts of interest.
Connected Person	A connected person includes: <ul style="list-style-type: none">• someone's child, step-child, parent, grandchild, grandparent, brother or sister• someone's spouse/civil partner or the spouse/civil partner of any person listed above• a person carrying on business in partnership with them or with any person listed above• an institution which is controlled by them or by any person listed above• a body corporate in which they or any person, listed in any of the first 3 points above, has a substantial interest
COI Reviewer	The appropriate persons(s) for assessing, adjudicating and resolving matters pertaining to Conflicts of Interest.
Staff	For the purpose of this policy shall mean all full-time, part-time, fixed term employees of the University, agency workers, any person to whom the definition of researcher (as defined in the Code of Research Conduct) applies, students involved in research and any other person in receipt of payment from the University including those persons who may also be students of the University. For the avoidance of doubt payment includes but is not limited to: external research grants; scholarships or any other form of third party funding. Staff shall also encompass solely for the purposes of this Policy those persons as provided for in Section 1 of this Policy.
Member	Any Governing Body member or committee member who is not Staff
OCLA	Office of Corporate and Legal Affairs
University or UCC	University College Cork – National University of Ireland, Cork

1 Policy Scope

This Policy applies to all University Staff, Members and committees and all others who work in the University (for example: retired staff who are still conducting research, teaching and working in the University).

It should be noted that every reference to “Staff” contained in this Policy shall include all persons referenced in the definitions section of the Policy and any other individual provided for within the Policy Scope as set out in this section.

This Policy relates to any Conflict of Interest arising in connection with any University activity except for conflicts of interest which may arise in the University in relation to the formal decision making processes concerning recruitment, selection and promotion as these are addressed in [Code of Conflict of Interest in Relation to Recruitment and Promotions](#).

2 Purpose

The University recognises that its Staff have diverse interests and contacts within the national and international community. It considers that links between its staff and outside bodies are generally in the University’s interest. However, it also recognises that it is possible such connections may give rise to potential Conflicts of Interest.

The University appreciates that, in general, Staff will recognise Conflicts of Interest and will want to ensure that there can be no perception of wrongdoing and that they are personally above reproach. It also appreciates that, in most cases, Conflicts of Interest will be easily managed and that declaration of the Conflict of Interest is all that is needed.

Conflicts of Interest can and will arise. The important thing is to ensure they are managed appropriately. In the vast majority of cases simple disclosure of potentially conflicting activities is sufficient. Occasionally UCC may suggest a different way of managing an activity that avoids the Conflict of Interest. In extreme cases the Conflict of Interest may be so fundamental that it is unmanageable and it therefore becomes necessary to restrict one or other of the Staff’s conflicting activities.

2.1 Aims and Objectives of this Policy

The objectives of this Policy are to:

- assist Staff in identifying Conflicts of Interest;
- set out the process for the disclosure of Conflicts of Interest;
- provide guidance to those responsible for managing Conflicts of Interest; and
- assist in the management of Conflicts of Interest in order to protect the University and its Staff.

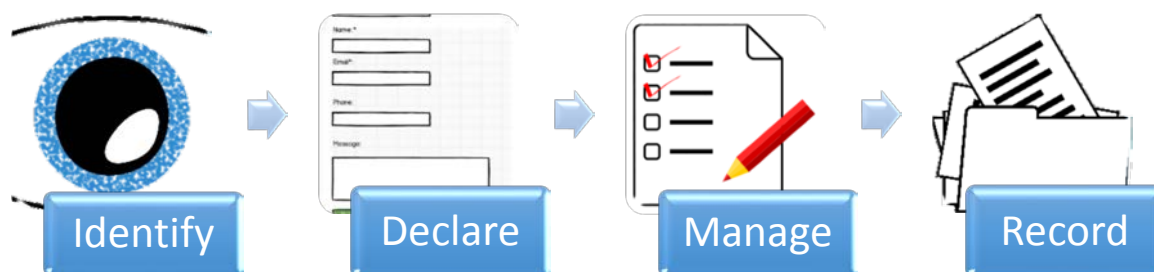
The fundamental principle of this Policy is that Staff should always declare an activity if they are in doubt whether it represents a Conflict of Interest.

3 Roles and Responsibilities

Role	Responsibility
Staff	Declaring Conflicts of Interest
Head of School/Director of RICU	COI Reviewer
Head of College/Functional Area	COI Reviewer Ensuring the appropriate management of Conflicts of Interest Quarterly compliance statement regarding modified activities
Vice President of Research	Consult with the COI Reviewer where the Conflict of Interest relates to an externally funded research project COI Reviewer for Staff not aligned to a School where the activity relates to research
Corporate Secretary	Implementation of this Policy Provide advice and support on application of this Policy Provide assistance on disclosure channels Refer a Conflict of Interest to another party (see Declaring a COI) If necessary, review and revise an approach taken by a COI Reviewer Maintain a Register of Interests and External Activities Produce an Annual Report on Conflict of Interests for Governing Body

4 Policy Text

The four key steps in dealing with a Conflict of Interest are:



Identifying a Conflict of Interest

To identify a Conflict of Interest, all Staff must understand what constitutes a Conflict of Interest.

What is a Conflict of Interest?

Actual: You have a direct conflict between your official duties and University responsibilities and a competing interest or loyalty, whether personal or involving a Connected Person.

Perceived: It could reasonably be perceived, or give the appearance, that a competing interest could improperly influence the performance of your official duties and University responsibilities.

Potential: A situation which could develop into an actual or perceived conflict of interest.

- 4.1 A Conflict of Interest arises when someone's personal interests or loyalties could influence, or be seen to influence, the objective performance of their official University duties. The personal interest could be direct or indirect and includes the interests of a Connected Person.
- 4.2 A Conflict of Interest may arise where an individual might be seen to be influencing University matters for actual or potential personal benefit. Such a conflict may arise in a situation when a member of Staff is in a position to influence, directly or indirectly, University business, research or other decisions in ways that could lead to personal gain or gain for Connected Persons.
- 4.3 When trying to identify whether there is a Conflict of Interest, consider whether a reasonable person would think your interests and loyalties, including those of a Connected Person, could conflict or appear to conflict with your University duties. Ask yourself:
 - Would I be happy if a colleague became aware of my involvement?
 - Would I be happy if my involvement appeared in the media?
 - If I saw someone else doing this, would I suspect that they might have a Conflict of Interest?
- 4.4 Staff should not be involved in making decisions in relation to their commitments to the University from which they, or any Connected Person, may stand to benefit. Such considerations apply to a wide range of activities in which conflicts may arise, including, but not limited to:
 - student admissions;
 - student assessment;
 - disciplinary proceedings;
 - appeals;
 - fee concessions;
 - procurement;
 - research;
 - contractual arrangements;
 - consultancy;
 - licensing intellectual property;

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- assessing proposed relationships between the University and outside parties including University Spin Out Companies;
 - commencement or development of a University Spin Out Company.
- 4.5 Any commitments outside of the University should be subject always to the approval of the appropriate person in accordance with the University Consultancy Policy. If there is an actual or potential risk of a perceived conflict arising from such outside interests, this should be disclosed in accordance with the terms of this Policy.

Examples of Conflict of Interest

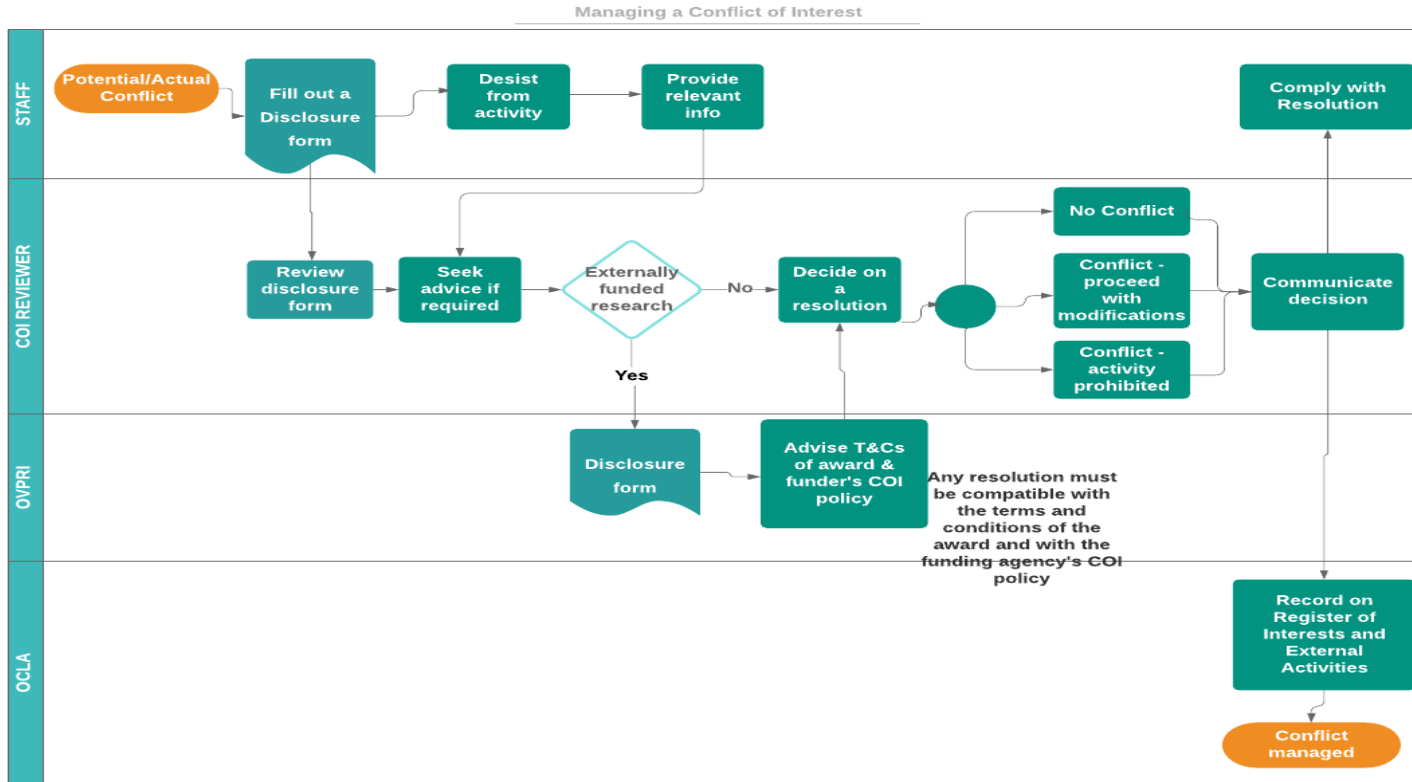
- 4.6 It is impossible to list all possible Conflict of Interests as circumstances and relationships vary so widely. The following, non-exhaustive list, may be considered as examples of Conflicts of Interest:
- a Staff member is in a position to exert influence on decisions relating to the University in ways that could lead to personal gain or give undue advantage to them or a Connected Person;
 - a Staff member has one or more personal interests outside the University which could compromise, or have the appearance of compromising, the Staff member's professional judgement in particular instances within research, administration, management, teaching or other professional activities;
 - a Staff member, directly or indirectly, has a personal interest in the outcome of deliberations of a Board or Committee or other such structure, in a contract or proposed contract to be entered into by the University or a University-related body, or is likely to gain personally as a result of a decision made by the University or a University-related body;
 - a Staff member has any involvement in a company, body or affiliation whether public or private in nature, whose interests may be in competition and/or conflict with those of the University;
 - a Staff member accepts gifts, gratuities or favours from any third party engaged in or wishing to engage in transactions with the University, except in the case of customary gifts of a nominal value (i.e. gifts with a combined value of no more than €650 per annum as per Ethics in Public Office Acts 1995 and 2001).
- 4.7 Practical examples of potential Conflict of Interest scenarios as they may arise in the University setting are contained at **Appendix 1**. These are for purely illustrative purposes.
- 4.8 It is important that in each instance the individual concerned should consider the perspective of an independent external observer and assess if such an observer would perceive there to be a Conflict of Interest.
- 4.9 In relation to extracurricular commitments that may create conflict, members of Staff should also ensure that they do not enter commitments or engage in activities which are inconsistent with their contracts of employment, with regard to outside activities and the permission required to engage with them. It should be noted that such restrictions may, in some cases, survive the termination of a member of Staff's employment and as such this Policy is applicable in those circumstances.

Declaring a Conflict of Interest

- 4.10 Conflicts of Interest should be declared promptly and fully. In most cases, potential Conflicts of Interest will be easily managed and declaration of the Conflict of Interest is all that is needed. Disclosure should be made when:
- the Conflict of Interest first arises;
 - it is recognised that a Conflict of Interest might be perceived; or
 - it is recognised that there is the potential for a Conflict of Interest.
- 4.11 This disclosure should be set out in the form contained at **Appendix 2** to this Policy. The person to whom the disclosure should be made, depending on the circumstances, is set out in **Appendix 3**.
- 4.12 The person to whom the disclosure has been made, within the framework set out at **Appendix 3**, shall become the COI Reviewer for the purpose of determining the appropriate next steps to be taken in relation to a Conflict of Interest.
- 4.13 The COI Reviewer can take advice on the issue from colleagues in the relevant professional areas, as appropriate (for example: research, consultancy or an issue pertaining to intellectual property to the VP for Research or a procurement issue - the Bursar).
- 4.14 In exceptional circumstances, where it is determined that the COI Reviewer is unable to deal with or resolve the Conflict of Interest (e.g. where the COI Reviewer may also be subject to the same Conflict of Interest) then the matter should be referred to an appropriate person (as determined and approved by Corporate Secretary or their nominee) who will then become the COI Reviewer.
- 4.15 If a Conflict of Interest is disclosed to a person other than those persons set out in **Appendix 3** then the recipient of the disclosure shall refer the matter to the Corporate Secretary who shall redirect the matter in line with **Appendix 3**.

Managing a Conflict of Interest

PROCESS CHART



- 4.16 Once a Conflict of Interest has been disclosed, the COI Reviewer is responsible for dealing with the Conflict of Interest (and developing a management plan if appropriate) as soon as is reasonably practicable, and in any event within 21 days of the day of the disclosure. An extension to this time frame may be required in certain circumstances and all parties will be advised where this is the case. Until that time, the member of Staff should take no direct part in the particular activity relating to the potential conflict. While the University will strive to agree the management of the Conflict of Interest with the member of Staff, it is accepted that this may not always be possible. In those circumstances, the member of Staff will be directed by the COI Reviewer (in consultation with colleagues in the relevant professional area, if required) with regard to the appropriate management. Some Conflicts of Interest will require ongoing management and this should be documented in the management plan. It is recommended that Conflicts of Interest, where ongoing management is required, should be reviewed every three months and the results documented.
- 4.17 The member of Staff shall provide all information necessary to the COI Reviewer for the purposes of allowing the COI Reviewer to resolve the matter appropriately.
- 4.18 Where a Conflict of Interest relates to an externally funded research project (i.e. where the interest influences, potentially influences, or could be perceived to influence, the design, conduct or reporting of such project), the COI Reviewer shall consult the Vice President for Research and Innovation (where he or she is not the COI Reviewer) in respect of any steps to be taken and these must be compatible with the terms and conditions of the award and the external funding agencies conflict of interest policy.
- 4.19 It is impossible to identify all potential resolution(s) that may be arrived at by the COI Reviewer. The following, non-exhaustive list, may be considered as examples of mechanisms by which a Conflict of Interest may be resolved:
- 4.19.1 Conclusion that there is no Conflict of Interest. In these circumstances the declaration of the interest and/or activity and subsequent authorisation by the COI Reviewer will be held centrally on the Register of Interests and External Activities by the OCLA
- 4.19.2 Permission to continue the activity with modifications. Non-exhaustive options for modifications include but are not limited to:
- disclosure of all pertinent information to other relevant individuals/parties;
 - exclusion from, or third party review of, any decision-making/authorisation;
 - revisions to the research proposal or other plans;
 - reduction of involvement in the activity;
 - close monitoring of the activity and in particular the evaluation of any relationship;
 - termination of involvement by others (for example: a relative or friend) in the activity; and
 - divestiture of relevant personal interests.

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- 4.19.3 Conclusion that the member of Staff should not be involved in any way, thus removing the Conflict of Interest. Where no alternative modifications to the activity can be agreed upon, this will be the solution, by default. A record of this will be held centrally on the Register of Interests and External Activities by the Office of Corporate and Legal Affairs.
- 4.20 The COI Reviewer shall communicate the outcome of the review to the member of Staff and copies provided to the relevant parties (e.g. Head of College, Head of Function, VPRI, OCLA). It is the responsibility of those affected to comply with the approach that has been communicated. It should be noted that should a member of Staff not comply then the University's disciplinary procedures (or equivalent) may be activated.
- 4.20.1 Where permission is granted to continue the activity with modifications, then the Head of College/Functional Area is responsible for overseeing that all modifications imposed are being implemented. The Head of College/Functional Area is required to conduct a review of all modified activities pursuant to this Policy and to remit a statement confirming compliance to the OCLA on a quarterly basis.
- 4.21 It is open to the Corporate Secretary in consultation with the President to review and revise an approach adopted by the COI Reviewer.
- 4.22 In addition to declaring a Conflict of Interest in accordance with this Policy, Designated Directors and Designated Positions of Employment as defined in the Ethics in Public Office Acts 1995 and 2001 (the "Acts") are required to make an annual statement of interests as provided for in the Acts to the President and to the Standards in Public Office Commission.

Recording a Conflict of Interest

- 4.23 A record of the conclusion will be held centrally on the Register of Interests and External Activities by the OCLA.
- 4.24 OCLA shall prepare an annual report at the end of each academic year to enable the maintenance of an overview of the interests and activities of those to whom this Policy applies. This annual report shall be prepared by reference to the Register of Interests and External Activities and will be provided to the UMTO and the Governing Body.

5 Supporting Policies, Procedures and Statutes

The Policy applies to all Conflict of Interest matters except for conflicts of interest which may arise in the University in relation to the formal decision making processes concerning recruitment, selection and promotion as these are addressed in [Code of Conflict of Interest in Relation to Recruitment and Promotions](#). This Policy should, where appropriate, be read in conjunction with other University policies and codes including UCC's:

- The University Consultancy Policy
- Code of Research Conduct
- The Principal Statute
- IP Policy

- Academic Policies
- Code of Conflict of Interest in Relation to Recruitment and Promotions
- Procurement Policies
- Public Interest Disclosure (Whistleblowing) Policy
- Regulation on Conduct of Governing Body Business
- Code of Practice for Members of Governing Body and Governing Body Committees

6 Breach of Policy

Failure to disclose a Conflict of Interest, or to appropriately refrain from the related activities until the management of the conflict has been resolved, constitutes a breach of this Policy and may result in the University's disciplinary procedures (or equivalent) being activated

7 Review and Approval

This Policy is reviewed at least every four years and within six months of any significant change in national policy or guidance.

Summary of Changes:

Draft Version Number/Revision Number	Revision Date	Summary of Changes
01	11/06/2019	Final approved version

This document requires the following approvals:

Name	Title	Date
Academic Council		03 May 2019
UMTO		07 May 2019
Governing Body		11 June 2019

8 Further Information

If you have any queries in relation to this Policy, please contact:

The Office of Corporate and Legal Affairs

1st Floor, East Wing

Main Quadrangle

Cork

Contact: 00 353 21 4903411

9 Appendix 1: Conflict of Interest Examples

1. A member of staff has several consultancy contracts that require regular trips abroad. This means that colleagues are regularly asked to cover for teaching; the staff member's PhD students have complained that they are curtailed in making progress with their thesis, publications and research projects. There is therefore a conflict between the time that the member of staff spends on consultancy and their ability to teach and support students adequately.
2. A member of staff is Principal Investigator in a clinical trial investigating efficacy of a new drug treatment for cancer. The staff member is also a shareholder in a spinout company established to commercialise the intellectual property generated through the trial. There is therefore a conflict between conduct of the trial, and in particular the welfare of patients during the trial, and the potential financial benefit to the member of staff.
3. A member of staff is funded by an IT company to investigate the future of a particular type of software in assisting with advanced clinical research. The staff member publishes an article which concludes that certain software should be used over others as the integrity of the outcomes are more reliable. The funder of the research is not declared by the member of staff. A perceived conflict with the staff member's role within the University may occur because non-disclosure of the funder may be seen to compromise the integrity of the findings.

Conflict Questions	Potential Examples	Category
Is the staff member involved in any external organisations whose interests might conflict with those of the University?	An organisation offering a competitive program to University or a third party entity that is directly competing for third party funding with University.	Research Academic
Does the staff member or a connected person stand to gain financially by the actions of UCC that the staff member can or might appear to influence?	Interests of the staff member (or a family member or close associate) might have in partnerships or companies that may provide goods, property or services to the University.	Procurement
Apart from a salary does the staff member stand to gain financially from his/her work at the University?	If the staff member wanted to use the results of work done by a student in a business that the staff member owned or if the staff member requires students to buy a book in respect of which the staff member receives a royalty.	Research Academic
Does the staff member have any personal or financial interests that might be advanced by a particular result from his/her research	If the research is sponsored by a party who might have an interest in a particular result being achieved and may stand to benefit financially or otherwise from such an outcome. A Conflict of Interest problem arises when a staff member wants to use grant funds to employ an immediate family member or the staff member intends to purchase equipment for his/her research from a company in which the staff member or an immediate family member has an interest.	Research

10 Appendix 2: Conflict of Interest Disclosure Form

Please provide answers to the following questions:

Name: _____ Position in the University: _____

Reporting to: _____ Head of School (if applicable): _____

Head of College: _____ Head of Function: _____

Please provide details of the potential conflict of interest in the box below. Please use additional pages, if necessary.

I confirm that I have read and understand the University's conflict of interest policy and I am aware of my obligation to make a declaration under that Policy. The foregoing information is true and complete to the best of my knowledge. I understand that I am not permitted to be involved in the situation disclosed until the management of the conflict has been resolved and communicated to me.

Name (please print): _____

Signature: _____

Date: _____

11 Appendix 3: Conflict of Interest - Disclosure Channels

The expectation is that a Conflict of Interest shall be disclosed through the following channels. Staff members are required to make the disclosure to the first channel unless the disclosure relates or involves the person to whom otherwise the disclosure would be made. Thereafter channels should be utilised sequentially.

Type of Issue	1 st Channel	2 nd Channel	3 rd Channel
Academic Issue	Head of School	Head of College	Corporate Secretary
Research Issue: (Staff aligned to a School)	Head of School	Head of College / VP for Research and Innovation for Staff	Corporate Secretary
Research Issue: (Staff not aligned to a School)	Head of Research Centre	Head of College / VP for Research and Innovation for Staff	Corporate Secretary
Spinouts/Start Ups/IP Issues:	Head of School / Function	Head of College/Bursar/ VP for Research and Innovation for Staff	Corporate Secretary
Sale, Supply or Purchase of Goods and Services	Head of School/ Function	Head of College/Bursar/	Corporate Secretary
Directorship/ Consultancy	Head of School / Function	Head of College/ VP for Research and Innovation for Staff	Corporate Secretary

If you require any assistance or guidance on the appropriate disclosure channels, please contact the Corporate Secretary and you will be directed as appropriate.