

## CONFLICT OF INTEREST

**This policy addresses two different but related forms of conflict which may affect the performance of University personnel: Conflict of Commitment and Conflict of Interest.**

The policy is intended to make staff and students aware of the potential for conflicts of commitment and conflicts of interest, and to establish procedures whereby such conflicts may be avoided or properly managed. It applies to all academic staff, administrators, researchers, research assistants, professional staff members, consultants, and other employees involved in research or other professional activities, whether full-time or part-time.

All employees of the University have a duty of trust and confidence to the University.

Full-time employees of the University are expected to accord their primary professional loyalty to the University and to arrange outside obligations, personal interests<sup>[1]</sup> and activities so as not to conflict with their overriding commitment to the University.

Part-time employees are expected to make a commitment to the University consistent with the terms of their employment and are expected to arrange outside obligations and activities so as not to conflict with their contracted commitment to the University.

A staff member of the University may not accept salaried employment at another institution while a full-time employee of the University. However, traditionally, full-time academic staff at the University may engage in consulting activities or be involved in the ownership or management of private enterprises as long as these activities do not exceed 20% of their time. Such activities require express prior written permission from the University and are subject to review and to limitations (see also the Policy on Consultancy).

The individual has the absolute duty to disclose all potential or actual conflicts of commitment and/or conflicts of interest, in the first instance, to his/her Head of Department/Institute/Centre/Unit<sup>[2]</sup> and then to the Vice President for Research. The Vice President for Research has the authority to issue binding instructions with regard to the management of the conflict.

If a conflict is alleged to have adversely affected the conduct of an employee's University responsibilities, the University's disciplinary procedures may be activated.

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[1] References to personal interest and/or personal gain include monetary or non-monetary interests or gains and include those of his/her spouse, parents, siblings, and business partners and or any company controlled by any of the foregoing or any two or more of them together.

[2] For the purposes of these policies it is assumed that, where relevant, staff members should make disclosures and/or seek approval from the relevant Head of Department, in the first instance, while Heads of Department should make disclosures and/or seek approval from the relevant Dean and Deans should make disclosures and/or seek approval from the Vice President for Research. The Vice President for Research should make disclosures and/or seek approval directly from the President of the University.

## Definitions

### 1. Conflict of Commitment

A conflict of commitment occurs when the commitment to external activities of a staff member adversely affects his or her capacity to meet University responsibilities. This form of conflict is recognised by a perceptible reduction of time and energy devoted by the individual to University activities. Conflicts of commitment primarily involve questions of obligation and effort, but are often tied to financial remuneration or other inducements and in such cases they may also constitute conflicts of interest (see below).

The University requires that its academic staff teach and conduct research; but it also expects that they will be available to students outside the classroom, carry their share of committee responsibilities, meet any clinical obligations, and remain productively involved in their research and other scholarly pursuits.

### 2. Conflict of Interest

The term "Conflict of Interest" refers to a conflict between the duties of an individual as an employee of the University on the one hand and his/her personal interests on the other. The education of students, analysis and interpretation of research results, hiring of staff, procurement of materials or services and other duties of employees of the University must be free from undue influence by outside interests.

The following may be considered as examples of conflicts of interest:

- where 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 advantage to his/her associates;
- where 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 research, administration, management, teaching or other professional activities;
- when a staff member, whether 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 obtain a personal gain as a result of a discretionary decision made by the University or a University-related body;
- when a staff member is a member of the senior management personnel of a corporation, institution, or body, whether public or private in nature, whose interests may be in competition with those of the University;
- when a staff member accepts gifts, gratuities or favours from a firm or corporation engaged in or wishing to engage in transactions with the University, except in the case of customary gifts of a nominal value.

Conflicts of interest can arise naturally from an individual's engagement with the world outside the University, and the mere existence of a conflict of interest does not imply wrongdoing. However, when conflicts of interest do arise they must be recognised, disclosed and either eliminated or properly managed.

There are situations sufficiently complex that judgements may differ as to whether there is or may be a conflict of interest, and individuals may inadvertently place themselves in situations where conflict exists. Accordingly, anyone with a personal interest that may have the potential for conflict with the interests or welfare of the University should seek advice and

guidance by reviewing their circumstances with the Head of Department/Institute/Centre/Unit and the Vice President for Research.

## **CONSULTANCY**

Consultancy is one of the principal mechanisms by which universities transfer and apply knowledge for the public good. In offering expert consultancy services they make knowledge available by offering specialist opinion, by advising on technical issues, and by solving problems for external bodies. This contributes to the growth of the economy and to the needs of society more generally. Consultancy is a prime example of 'outreach' activity, through which universities and colleges promote and support productive interaction with business and industry.

The University encourages its staff to seek and participate in sponsored research, to consult widely, and to engage in other activities which may benefit not only the participants but also the University itself, and the wider public. However, while the University recognises the benefit of such activities, it is also committed to ensuring that they are conducted in a proper manner consistent with the principles of openness, trust, and free enquiry that are fundamental to the autonomy and well-being of a university and the responsible management of the University's business.

It is the policy of the University that its officers, academic/administrative/research staff, and others acting on its behalf have the obligation to avoid ethical, legal, financial, and other conflicts of interest and to ensure that their activities and interests do not conflict with their obligations to the University or its welfare. The fundamental premise of this policy is that each staff member of the University has an obligation to act in the best interest of the University, and must not let outside activities or outside interests interfere with that obligation. Essential to effective administration and adherence to this policy are a) disclosure by staff to designated College Officers of outside activities and personal interests<sup>2</sup>, including financial interests, that might give rise to conflicts (see Policy on Conflict of Commitment and Conflict of Interest), and b) the ready availability of information and advice to College Officers on any relevant situation.

### **Benefits of consultancy to the University**

The following are some of the benefits to the University deriving from consultancy:

- contacts, knowledge and reputation for the institution and individuals;
- development of new skills and experience for staff;
- financial gain;
- input and examples for teaching and learning;
- initiation of new research projects.

### **Risks for the University**

The following are some of the risks to the University inherent in consultancy:

- commercial risks e.g. loss of institutional intellectual property or use of resources without adequate return (which may have a damaging effect on other institutional activities, including student learning);
- academic risks e.g. stress and negative impacts on staff, diversion of staff time and effort or other resources away from teaching and research;
- financial risks e.g. in appropriate use of public funds for teaching and research, exposure to audit or other investigation, unplanned tax liabilities;
- market risks e.g. poorly-managed or delivered consultancy or other work having an adverse impact on the reputation or income of the institution;
- legal risk e.g. potential legal liabilities arising in an unforeseen way from the activities of staff.
- risk to the University's reputation and/or independence

## Risks for Academic Staff

The following are some of the risks to academic staff inherent in consultancy:

- becoming over-stretched to the detriment of their teaching and research responsibilities;
- professional risks: e.g. loss of reputation (perhaps from engaging in activity or entering into commitments which take them outside their area of competence);
- under-valuing their time;
- exposure to legal liabilities (professional liability);
- exposure to avoidable tax liabilities;
- conflicts of interest.

An implicit assumption underlying this Policy is that outside professional activities are a privilege and not a right and must not detract from a staff member's full-time obligation to University duties. It is permitted for a staff member to engage in consultancy work relating to the work for which he/she is contractually obliged to the University, up to a maximum of 20% of his/her time. It is recognised that academic staff do not have an officially prescribed working week or workload. However, for the purposes of this Policy, the working rule of thumb for 20% time is the equivalent of one day per week. In certain circumstances lectures within the University or contributions to University training courses may be regarded as consultancy.

Each staff member engaged in consultancy or other external commercial activity is required to declare such activity in writing to his/her Head of Department/Institute/Centre/Unit<sup>3</sup> and to the Vice President for Research. This is done by completing a Declaration of Consultancy or Other External Commercial Activities (See Appendix 1). All disclosures must be submitted to the Vice President for Research as soon as possible in the case of new activities and, in any event, by 1st February each year. Consultancies and other external commercial activities that are under negotiation must also be declared.

This declaration must be endorsed by the Vice President for Research before any contract may be signed between the staff member and/or the University and the client. Once the consultancy agreement is approved, the staff member can use the University's resources and is covered by the University's professional indemnity insurance.

Staff members engaged in consultancy activities or other external activities must also comply with the terms of the University's Policy on Conflict of Commitment and Conflict of Interest.

Private consultancy activities, i.e. work performed by the individual on his/her own time (e.g. evening and weekends) must not make use of University resources including space, equipment, resources and logo/title etc. Since this consultancy is not done on University time or using University resources, it is consultancy undeclared to the University and is not covered by the University's indemnity insurance.

The University has the right, and indeed the obligation, to protect itself from losses due to over-commitment by a staff member to consultancy and to seek reimbursement from him/her for salary and benefits covering time spent on consultancy beyond the limits provided for by this Policy.

Intellectual property (IP) arising from consultancy usually belongs to the client, although care may be needed to manage the University's pre-existing IP. For example, existing University IP may be inadvertently given to clients or there may be opportunities to exploit or publish results with the client's approval. IP issues must be discussed with the Industrial Liaison Officer.

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[1] Consultancy for the purposes of this policy document is defined as outside professional activities relating to the work for which he/she is contractually obliged to the University, up to a maximum of 20% of his/her time. Private consultancy refers to work performed by the individual on his/her own time (e.g. evenings and weekends).

[2] References to personal interest and/or personal gain include monetary or non-monetary interests or gains and include those of his/her spouse, parents, siblings, and business partners and or any company controlled by any of the foregoing or any two or more of them together.

[3] For the purposes of these policies it is assumed that, where relevant, staff members should make disclosures and/or seek approval from the relevant Head of Department, in the first instance, while Heads of Department should make disclosures and/or seek approval from the relevant Dean and Deans should make disclosures and/or seek approval from the Vice President for Research. The Vice President for Research should make disclosures and/or seek approval directly from the President of the University.