

University of Prince Edward Island	Policy Number: admordgn10010	Revision No: 0
Policy Title: Conflict of Interest in Research		Page 1 of 12
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1.0 Introduction

As a place of research and learning, the University supports opportunities for its faculty, staff, and students to be involved in professional interests and activities compatible with the university's mission and mandate. Occasionally, the interests of the University and the personal interests of individuals may conflict, or be perceived to conflict. In an environment of increasing interaction between the University's members and other organizations—public and private; local, regional, national, and international—it is to be anticipated that such conflicts or perceived conflicts of interest will arise and will need to be addressed.

2.0 Purpose

- 2.1 The purpose of this policy is to define conflict of interest in University of Prince Edward Island research, and set out a mechanism for identifying and addressing conflicts of interest, whether real or perceived, so that the University's communities can be confident that decisions and actions are not inappropriately influenced by personal interests. The strength of this assurance is based on two assumptions which underlie the explicit policies and procedures, and implicit norms governing research behaviour at UPEI:
- First, that the overwhelming majority of researchers conduct their research with the highest standards and integrity, and
 - Second, that, for the vast majority of cases, the self-regulating structures and processes in research are effective.
- 2.2 This policy aims to educate, to minimize the occurrence of conflicts of interest in research, and to manage such conflicts as do occur in a clear and consistent fashion when they arise.
- 2.3 There are different levels of conflict of interest, varying from the non-material (where simple disclosure suffices) to the serious (where the individual must be completely removed from a particular process or decision). Most conflicts of interest can be resolved in a manner mutually agreeable to the individual and to the University.

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 2 of 12

2.4 The policy has three components:

Conflict Recognition

Conflicts of interest must be identified to permit their appropriate management. They arise from a particular situation. They do not arise from or reflect upon the character of the individuals involved, so long as the individuals are acting in good faith. Some examples of conflicts of interest in research are found in *Appendix A*.

Conflict Disclosure

Conflicts of interest that exist, or which might reasonably be perceived to exist, shall be disclosed in accordance with this policy.

Conflict Management

Conflicts of interest shall be managed within a framework and with a procedure that recognizes researchers' high standards and integrity, and enables the University to fulfill its mission.

3.0 Scope

- 3.1 The Policy applies to everyone who is a University Member, as defined below.
- 3.2 The Policy applies to all Research funded by the University, and/or External Sponsors, and Research that a University Member is funding personally.
- 3.3 The Policy governs all Research activities conducted under the auspices of the University. Such Research includes:
 - 3.3.1 Research conducted within University facilities by or under the direction of University Members; and
 - 3.3.2 Research conducted or directed by a University Member(s), or under the direction or sponsorship of the University at sites external to the University.
- 3.4 No University Member will be discriminated against for being involved in a conflict of interest or commitment so long as the individual has acted in good faith and in accordance with this policy and any other related University policies.

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 3 of 12

3.5 The Policy is intended to be exercised together with any applicable collective agreement, as well as with other University of Prince Edward Island Policies. A list of related University policies is attached as *Appendix B*. Where existing policies have not yet been brought into conformity with this Policy, this Policy will prevail.

4.0 Responsibility

4.1 Responsibility for establishment and amendment of this Policy rests with the Board of Governors.

4.2 Responsibility for enforcement of this Policy within each Faculty/School rests with the Dean of that Faculty/School.

4.3 General responsibility for enforcement of this Policy rests with the Vice-President, Research & Development.

4.4 Responsibility for initiating review of this policy rests with the Vice-President, Research & Development. This Policy is to be reviewed every five (5) years.

5.0 Definitions

Within this Policy, the following terms shall be interpreted as outlined below:

Best Interest of the University

- The course of action that is most consistent with the values, mission and goals of the University, as well as its legal and contractual obligations.

Business

- Any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint venture, business or real estate trust or society, or any other separate legal entity organized for profit, non-profit or charitable purposes.

Closely Associated Person

- A University Member's spouse or adult interdependent partner, dependent children, and any other family members or individuals who are adult interdependent partners of individuals living in the Person's household.

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 4 of 12

Conflict of Commitment (Conflict)

- Conflict of Commitment arises when any external or personal activity, undertaking, or situation of a University Member is so demanding, or is organized in such a manner that it interferes with the University Member’s obligations to the University. This Policy considers Conflicts of Commitment to be a type of Conflict of Interest.

Conflict of Interest (Conflict)

- Conflict of Interest arises when any activity, undertaking or situation of a University Member or Closely Associated Person, places a University Member in a real, perceived or potential conflict between the University Member’s professional obligations, duties or responsibilities to the University, and the University Member’s or Closely Associated Person’s personal, financial or other interests.

Conflict of Interest Advisor

- The University’s Manager of Enterprise Risk and Business Planning will serve as the Conflict of Interest Advisor. The Advisor will be available to consult with all University Members and Persons in Authority on issues and instances of Conflict.

Conflict of Interest in Research

- Conflict of Interest as it relates, directly or indirectly, to any Research activities, projects or programs of, or affiliated with, the University. (Also see examples of Conflicts of Interest in Research in *Appendix A*).

Financial Interest

- Receipt or expectation of anything of monetary value, including pay or salary or other payments for services (e.g. consulting fees or honoraria), equity (shares, options, or the like) security or other ownership interests, and intellectual property rights (e.g. patents, copyrights, royalties or carried interests or options related to such rights).

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 5 of 12

Note: Ownership in the form of shares in a publicly traded company or through a mutual fund, of which the University Member is not an insider, having a market value of less than \$20,000.00 and representing less than 10% of the equity of the company or fund is not considered a Financial Interest.

Personal Interests

- Personal, private, or Financial Interest of a University Member or Closely Associated Person. These can include interests which are not directly monetary in nature.

Person in Authority

- Person overseeing and/or responsible for a decision, process or activity related to or involving Research at the University. A Person in Authority can be, but is not limited to, a Committee Chair, a Department Chair, a Dean, a Vice- President or the President.

Research

- All studies, investigations, and scholarly activity of a basic, applied or commercialization nature whether funded from within University, by external sponsors, or self-funded, and the direct or in-direct support of the same, that are conducted by University Members under the auspices of the University.

University

- The University of Prince Edward Island as an institution and all its constituent components, including entities partially or wholly owned or controlled by the University.

University Member

- Faculty, undergraduate students, graduate students, postdoctoral fellows and other personnel involved directly or indirectly in Research, including, but not limited to, research assistants and associates, technical staff, adjunct professors, visiting professors, and university staff, administrators and officials representing the University.

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 6 of 12

6.0 Policy

- 6.1 A University Member is required to disclose a Conflict of Interest or Conflict of Commitment where it exists, or might reasonably be perceived to exist. Normally, the University Member will not participate in a University decision or process that involves a Conflict of Interest, but shall instead declare the Conflict of Interest, and then remove himself/ herself from the decision or process in question. A University Member will not participate in any activity that involves a Conflict of Commitment unless such activity has been approved in advance by the Person in Authority and, if such approval has been given, any terms or conditions made by the Person in Authority regarding such activity are fulfilled.

Thus:

It is the ethical responsibility of everyone who acts on behalf of the University to ensure that decisions and actions which affect the University and those it serves are taken in the best interests of the University, and are not influenced by Personal Interests, or the interests of a Closely Associated Person.

Any University Member who is aware, or has reasonable grounds to believe, that he/she is in a Conflict of Interest in Research must self-disclose the nature of the Conflict to the Person in Authority. Disclosure in and of itself does not necessarily preclude the University Member participation in the process or activity related to the Research.

Any University Member who is aware, or has reasonable grounds to believe, that an undisclosed Conflict of Interest exists is required to report it to the Person in Authority. If the Person in Authority has well-founded reason to believe that a University Member intentionally withheld Disclosure of a Conflict of Interest in Research, the Person in Authority should refer to the “Policy on Integrity in Research and Scholarly Work” for possible action.

In cases where a decision, process or activity associated with Research at the University may involve other policies of the University which address Conflict of Interest, or the conflict of interest policies of external sponsors or agencies, the Conflict of Interest Advisor will make a determination on which policy sets a higher standard in its handling of Conflict of Interest, and that standard will apply to the decision, process and/or activity.

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 7 of 12

7.0 Procedures

7.1. Disclosure

7.1.1 Disclosure shall be made in each of the following circumstances:

- As soon as any situation arises that creates, or may be perceived to create, a Conflict of Interest or Commitment for a University Member, or as soon as the University Member is aware of such a situation;
- Where not previously reported;
- Where appropriate, on the appointment of the University Member;
- When required by a particular grant or contract; and/or,
- Where otherwise required in accordance with this Policy.

7.1.2 A University Member shall disclose to the Person in Authority any Conflict of Interest that exists or might reasonably be perceived to exist. Except for minor Conflicts as noted below, the Person of Authority shall consult with the Conflict Advisor to determine:

- i) if the conflict can be managed, and
- ii) how the conflict may be managed in accord with best practices.

In making this determination, the Conflict Advisor shall consult with the Person in Authority and with the Dean and Vice-President, Research & Development, as required.

7.1.3 Normally, a disclosure of a Conflict of Interest or Commitment shall be made in writing. Minor conflicts, such as those that may arise in a committee meeting, may be disclosed verbally to the Chair of that Committee. In such committee situations, the reported conflict and resolution should be recorded in the minutes of the meeting.

7.1.4 If a University Member is uncertain whether a Conflict of Interest exists, or is likely to exist, the University Member shall discuss the situation with the Person in Authority, the Conflict of Interest Advisor, or other appropriate officer of the University.

7.2. Management: Guidelines for Handling Conflicts of Interest

7.2.1 The Person in Authority to whom a Conflict of Interest is disclosed in conjunction with the Conflict Advisor and, as appropriate, with the Dean and Vice-President, Research & Development, shall decide whether a

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 8 of 12

Conflict of Interest exists, whether it will be permitted to continue and, if so, under what, if any, conditions.

7.2.2 In making this determination, the following factors may be taken into account:

- The rights and interests of the University Member;
- The educational, research, economic and other interests of the University;
- Whether reasonable alternative arrangements which do not involve a Conflict can be made;
- Any possible harm to the interests of students, research participants, clients of University services, or others served by the University, should the Conflict be permitted to continue;
- Any possible harm to the University or its employees, officers or others acting on its behalf if the Conflict were allowed to continue.

7.2.3 The Conflict Advisor and/or the Person of Authority may request additional information from the University Member, and may consult with others before making a decision relating to a Conflict of Interest.

7.2.4 The Conflict Advisor, in conjunction with the Person of Authority, and the Dean and Vice-President, Research & Development, may impose terms and conditions before permitting a Conflict of Interest to continue.

7.2.5 In all cases other than minor conflicts handled as outlined in Section 7.1.3 above, the Conflict Advisor shall issue in writing a report to the University Member, who has declared the real or potential conflict of interest, setting out the issues assessed during the review, the decision made and the reasons for the decision. Where the decision is to manage the conflict, a process for doing so will be set out. For reporting purposes, a copy of the report will be forwarded by the Conflict Advisor to the Dean and the Vice-President, Research & Development.

A decision may be appealed as set out in Section 10.0 below.

7.2.6 A decision concerning an ongoing Conflict of Interest shall be reviewed by the Conflict Advisor in conjunction with the Person in Authority at appropriate intervals. In consultation with the Dean and Vice-President, Research & Development, the original decision may be reversed or varied.

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 9 of 12

8.0 Access To Disclosures

- 8.1 Disclosures made under this Policy will normally be treated as confidential. However, in order to meet the objectives of the Policy, it will sometimes be necessary for the University to permit persons within the University, and, in some circumstances, persons outside the University, access to information about such disclosures and the terms and conditions imposed. Reasonable efforts shall be made to advise the University Member in writing before such disclosures are made available to persons outside the University. Disclosures may be made available to third parties when required by university or statutory regulation, or by law.
- 8.2 University Members should be aware that disclosure of Conflicts of Interest may be required for other university processes. For example, whenever a University Member is engaged in research that involves a Conflict of Interest or Commitment, it may be necessary or appropriate for the member to disclose the Conflict to the appropriate university ethics committee. This would be especially important where the Conflict might adversely affect the research design or subjects of the research.
- 8.3 Records created as a result of actions under this Policy will be held in confidence.

9.0 Compliance

- 9.1 The intent of this Policy is to assist the University in the management of Conflict of Interest situations. The University expects that its University Members will comply fully with this Policy, including all requirements for disclosure. Failure to do so may constitute grounds for disciplinary action, in accordance with the applicable collective agreement, employment contract, or other applicable disciplinary process.

10.0 Appeals

- 10.1 Any University Member in a Conflict of Interest situation who is not satisfied with the decision made by the Conflict Advisor and Person in Authority under this Policy may appeal the decision within thirty (30) days of receiving written notice of the decision. The University Member shall submit a written statement outlining the grounds of appeal, together with any relevant documentation, to the Vice-President, Finance & Facilities, who shall make a final decision, normally within thirty (30) days. The Vice-President, Finance & Facilities may extend that time upon giving notice to the appealing University Member if it is desirable to consult with others or consider the matter further before making the decision. An

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 10 of 12

appeal decision shall be in writing and shall be binding on the University Member (although it is subject to the grievance arbitration procedure of the relevant collective agreement/employment contract, if applicable).

11.0 Effect On Collective/Employment Agreements

- 11.1 Nothing in this Policy shall be construed as limiting any right of grievance or arbitration that exists under an applicable collective agreement, contract or policy, or the right of the University to discipline a University Member for failure to comply with this policy.

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 11 of 12

Appendix A

CONFLICT RECOGNITION: Examples of Conflicts on Interest in Research

Researchers conduct their work with the highest standards and integrity. However, given the complex, interactive environment in which research takes place, Conflicts of Interest or perceived Conflicts will arise. These situations may take many forms and must be identified to permit the Conflict to be appropriately managed. Conflicts do not reflect upon the character of the individuals involved, so long as the individuals are acting in good faith. The following are examples of some research-related conflict situations that may arise.

Examples include, but are not limited to, cases in which a University Member:

- conducts a review, assessment or evaluation of a project or colleague, the outcome of which may affect the University Member's Personal Interests;
- conducts or participates in a research project which may affect his/her Financial Interests or those of a related Business;
- is party to a decision on the part of the University to enter into any sort of research contract or agreement that may affect a Closely Associated Person's Financial Interests;
- supervises a research associate, post-doctoral fellow, graduate or undergraduate student employed by a business in which the University Member has a Financial Interest;
- supervises a graduate or an undergraduate student who is a Closely Associated Person of the University Member;
- uses University resources for private Business purposes;
- uses information acquired in the course of University activities, which is not in the public domain, to advance their Personal, Research or Financial Interests, or those of a related Business.

University of Prince Edward Island	Policy No. admordgnl0010	Revision No. 0
Policy Title: Conflict of Interest in Research		Page 12 of 12

Appendix B

This Policy should be read in conjunction with the following existing University of Prince Edward Island Policies and Procedures Relating to Conflict of Interest and Conflict of Commitment

- Integrity in Research and Scholarly Work Policy
- Collective Agreement with UPEIFA, Unit 1:
 - A-6 Conflict of Interest
 - C-6 Leave to Accept Public Office
 - H-3 Employment in Outside Remunerative Activities
- Collective Agreement with UPEIFA, Unit 2:
 - A-6 Conflict of Interest
- Ethics Board Policies
- Animal Care Committee Policy & Procedures
- Staff Recruitment and Selection Policy
- Student Hiring and Employment Policy
- Pension Investment Policy
- Endowment Investment Policy
- Fair Treatment Policy

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References / Sources (passages of the Policy were adapted from the following):

1. Policy on Conflict of Interest and Conflict of Commitment. 2004 University of Regina. <http://www.uregina.ca/presoff/vpadmin/policymanual/hr/20140.shtml>
2. Policy on Conflict of Interest in Research. 2009. St. Mary's University. <http://www.smu.ca/academic/fgsr/documents/COIinResearchfinal-approvedbySenate.pdf>
3. Policy on Conflict of Interest. 2007. Simon Fraser University. <http://www.sfu.ca/policies/general/gp37.htm>
4. Tri-Council MOU on Roles and Responsibilities in Management of Federal Grants and Awards, Schedule 14. 2008. http://www.nserc-crsng.gc.ca/NSERC-CRSNG/Policies-Politiques/MOURoles-ProtocolRoles/index_eng.asp