



# **Conflict of Interest**

## ***Policy and Guidelines***

**March 2006**

## **CONFLICT OF INTEREST: POLICY AND GUIDELINES**

The policy and procedures documented herein have been prepared by Dublin City University (DCU) in the context of ensuring the highest standards of practice in its educational mission and research integrity.

### **Summary**

Universities and their employees engage in a wide range of activities. The traditional academic roles, such as teaching and supervising students and conducting grant-funded academic research, are nowadays often supplemented by commercial collaborations including consultancy, commercial research and development, intellectual property licensing and involvement in 'spin-out' companies.

By and large, DCU leaves individual departments and academic staff to conduct teaching activities to the highest standards and to develop their own balanced 'portfolio' of research activity, including external collaborations of one kind or another. However, by engaging in certain activities, employees may place themselves in a position which may conflict, or appear to conflict, with their DCU duties. The employee may then be open to suspicion that decisions they take as a DCU employee are influenced by personal interest – even though the employee is acting with neutrality and complete professional integrity.

In the vast majority of cases simple disclosure of potentially conflicting activities is sufficient. Occasionally DCU 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 employee's conflicting activities.

The purpose of the 'Conflict of Interest Policy and Guidelines' is to:

- Present a definition of Conflict of Interest
- Set out typical examples of situations where potential conflict of interest can arise
- Set out DCU policy regarding procedures to be followed in situations of potential conflict of interest

The most important message in the document is that DCU employees should always disclose an activity if they are in doubt about whether it represents a conflict of interest. This policy document describes the way in which such disclosure should be made at the time (i.e. before being engaged in the activity). The fact that DCU has adopted such a policy does not in any way cast doubt on the integrity of DCU employees. Rather it recognises that DCU wishes to give a great deal of freedom to employees to engage in external activities, but in so doing needs to put in place a mechanism to protect its employees, and itself, from reputational damage and other liabilities.

This Conflict of Interest policy should read in conjunction with all other relevant existing policies and procedures of Dublin City University. This policy does not absolve, in any way, obligations that staff may have to submit a disclosure of interest to the Standards in Public Office Commission to comply with the provisions of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001.

## I. Background

Universities and their employees engage in a wide range of activities including traditional academic roles, such as teaching and supervising students and conducting grant-funded academic research. In addition, these roles are nowadays often supplemented by commercial collaborations including consultancy, commercial research and development, intellectual property licensing and involvement in 'spin-out' companies.

These activities can produce positive benefits, but they also have the potential for diverting DCU and its employees from their primary educational, research, and service missions. DCU believes it to be essential that its employees should manage or avoid, and be seen to manage or avoid, such conflicts. Moreover, many research funding agencies, in Ireland and internationally, are now seeking assurance that universities are properly managing such conflicts as a condition of research grant funding.

This document sets out DCU's policy and provides some practical guidelines to its employees on how they should manage potential or actual conflicts of interest. The Policy applies to all staff and officers of Dublin City University.

Whilst the document provides examples for many of the situations in which conflicts may occur, it is not meant to be exhaustive. The primary obligation rests with the employee to recognise situations in which he or she potentially has a conflict of interest and to disclose and discuss that conflict with the Head of Unit/School. In such circumstances, employees are required to complete the Declaration of Potential Conflict of Interest form. The full prior disclosure of interests is clearly an important (and in many cases, sufficient) mechanism for the management of conflicts of interest.

## II Definitions

It is the policy of the University that its officers and staff, have the obligation to manage or avoid ethical, legal, financial, or other conflicts of interest, and to ensure that their activities and interests do not conflict with their obligations to the University or its welfare.

A working definition of "conflict of interest" is:

"A conflict between official responsibilities and external/private interests of a person acting on behalf of, or employed by, DCU or any any of its subsidiaries".

The damage caused by such conflicts can be considerable, whether the conflict of interest exists or *appears* to exist. For this reason, an explicit conflict of interest policy does not infer any lack of trust in, or loyalty of staff. Rather, it is a mechanism for protecting DCU employees against criticism or compromise by ensuring that they recognise and disclose such conflict situations and take steps to avoid and manage them.

The main categories of conflict of interest are:

- i. Educational Mission (especially in regard to supervision, assessment and teaching)
- ii. Research Integrity
- iii. Conflicts of Commitment and Loyalty

#### iv. Financial Conflicts

The need for a comprehensive policy has been made more acute by the increasing tendency to form spin-out companies, license intellectual property and other activities that reflect the economic impact of research. Employees often have multiple roles in such companies, for example as a director, shareholder or consultant. Fulfilling these multiple roles in the company can create (or appear to create) a conflict with the employee's primary obligations and allegiance to DCU. This Conflict of Interest Policy and Guidelines addresses conflicts involving spin-out companies as well as many other situations where conflicts may arise.

Other general examples include:

- a) The involvement of a staff member in developing or examining any continuous assessment, examination paper, coursework, laboratory exercise, dissertation or any similar examinable activity where a personal relationship with an examinee exists.
- b) Access to confidential information or the ability to adapt or change this information relating to a staff member, family member, relative, friend or acquaintance.
- c) An attempt to restrict rights governing the timing and contents of publications, save in circumstances approved by the University to protect privacy, commercially sensitive proprietary information and patentable inventions.
- d) Involvement in externally-funded activity that might infringe the right of a student engaged in the activity to complete the degree for which he or she is registered and/or to publish freely or seek patent protection for his or her findings.
- e) A financial interest held by an individual in an external enterprise engaged in activities closely related to that individual's activities in the university.
- f) A personal involvement in any company which has, or is in the process of negotiating, a contract with the university.
- g) Over-dependence on a particular company for research funding – which may result in that company, outside of contractual obligations, either formally or informally influencing the direction of the research or dissemination of results.

These categories are intended to be illustrative and not exhaustive.

### III. University Policy

DCU is committed to the principle that its employees' activities should not give rise to situations in which employees have, or appear to have, conflicts of interest. At the same time, DCU recognises that policies that seek to eliminate all potential conflicts could also prevent many of the activities that universities now wish to encourage eg spin-out companies. Accordingly, rather than seek to prohibit all activities that might give rise to a conflict of interest, this Conflict of Interest Policy and Guidelines provides for a three-fold approach:

1. Always disclose potential conflicts of interest.
2. Manage the conflict wherever possible.
3. Prohibit the activity when necessary to protect the public interest or the interest of DCU.

In the instance of a potential conflict of interest, the key goal is to segregate the relevant decision-making and related activities, so that they are separately and independently managed. DCU is particularly concerned to ensure that its employees' activities do not create conflicts in the areas of DCU's Educational Mission and Research Integrity, as these areas are considered to be of fundamental importance to DCU as an institution dedicated to teaching and research.

On occasions, DCU itself may be involved in an activity in which a DCU employee has a conflict of interest. For example, DCU may own shares in a spin-out company in which a DCU employee also owns shares. Depending on the circumstances, the DCU employee's shareholding may give rise to a conflict of interest. Employees should be aware that the fact that DCU may benefit from an activity (e.g. as a shareholder) does not in any way mitigate or reduce the employee's obligations under this Conflict of Interest Policy and Guidelines.

#### **IV. Managing Potential Conflict**

In all cases, the employee must disclose in writing and discuss any potential conflicts with their Head of Unit / School:

- Prior to the commencement of such commitment.
- When circumstances change in a way that give rise to conflict (either as a result of changes to the employee's responsibilities in DCU, changes in the nature of the relationship between the external company and DCU, or changes in the commitment to the external body). This can present a significant challenge since circumstances often change gradually and with little formality. It is nevertheless important for the staff member's own protection that the Head of Unit/School is informed in advance of any changes to the relationship.

The Head of Unit/School will advise on how the potential conflict can be managed. In many cases the simple disclosure of a potential conflict, in itself will be sufficient. In a minority of cases where the potential conflict is deemed serious and cannot be effectively managed, it may be necessary to discontinue one of the conflicting activities.

The Head of Unit/School will keep a written record of the fact that the conflict was reported and of how the conflict was dealt with.

## **Appendix I**

In the course of considering cases of conflict of interest or potential conflict of interest, the Head of Unit/School will consult with the Finance Director, Director of Human Resources, INVENT, Heads of Central University Support Units and university senior management, as appropriate.

### **Specific duties of Heads of Unit/School:**

1. To respond in a timely manner to requests for advice from a member of their staff as to whether a conflict of interest exists or may exist, as defined in the DCU Conflict of Interest Policy and Guidelines, and/or how it might best be managed.
2. To consider, for approval, all cases involving the proposed supervision of a sponsored student by a staff member with a significant financial interest in the sponsoring organization.
3. To consider, for approval, any cases in relation to a member of staff involving conflicts of research integrity if a particular research project were to be accepted. The case should be approved before a contractual arrangement is agreed.
4. To consider, for approval, any cases where a staff member's proposed relationship with another organisation creates a conflict of interest.
5. To consider appropriate measures in cases where a personal relationship exists between a staff member and an examinee that may give rise to a conflict of interest.
6. To consider any instances where a potential conflict of interest may exist and take appropriate measures to protect the employee and DCU
7. To ensure that a written record is made of the fact that the conflict was reported and of how the conflict was dealt with. A copy of the record should be forwarded to the DCU Secretary's Office and in instances of potential conflicts relating to research contracts, the Office of the Vice-President for Research should also be informed.
8. In the instance where the potential conflict involves the Head of School / Unit, the employee must disclose in writing and discuss any potential conflicts with the Deputy President or the University Secretary. In instances where the potential conflict involves the Deputy President or University Secretary, the employee must disclose in writing and discuss any potential conflicts with the University President.



Appendix II

DECLARATION OF POTENTIAL CONFLICT OF INTEREST

Name of staff member: \_\_\_\_\_

Position: \_\_\_\_\_

Unit/School: \_\_\_\_\_

Client name and address (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the nature of the personal interest.

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I acknowledge the University policy on **Conflict of Interest**, and declare the above interests. I confirm that I have no other activities, responsibilities or ownership entitlements that might lead to a conflict of interest situation. (Additional pages may be attached if required)

Signature of Staff Member: \_\_\_\_\_

Signature of Head of Unit/School

\_\_\_\_\_

Recommendation: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Official Stamp:

Original of form to be retained on file and a copy forwarded to the DCU Secretary's Office. In cases relating to research contracts, form to be also copied to the Office of the Vice-President for Research.