



Conflict of Interest Policy

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Introduction

This policy has been prepared by Dublin City University (DCU) to help ensure the highest standards of practice in its educational, research and commercialisation mission. DCU gives a great deal of freedom to its Staff, but in so doing needs to put in place a mechanism to protect its Staff, and itself, from reputational damage and other liabilities.

DCU Staff engage in a wide range of activities. However, in undertaking some activities, Staff may be open to a perception that their decisions are influenced by personal interest, even though the Staff member is acting with neutrality and complete professional integrity.

In the vast majority of cases a simple disclosure of potentially conflicting activities is sufficient to ameliorate any perception of impropriety. Occasionally DCU may suggest a different way of managing an activity that avoids a real or perceived conflict of interest. In rare cases a conflict of interest may be so fundamental that it is unmanageable and it therefore becomes necessary to restrict the Staff member's conflicting activities.

The damage caused by conflicts of interest 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 Staff against criticism or compromise by ensuring that they recognise and disclose such conflict situations and take steps to avoid and manage them.

The most important message in this document is that DCU Staff should disclose any activity if they suspect it could be perceived as a conflict of interest. This policy document describes how such disclosure should be made.

Purpose

The purposes of this Conflict of Interest Policy are:

- a) to present a definition of conflict of interest;
- b) help Staff to identify conflicts of interest;
- c) set out examples of situations where potential conflict of interest may arise;
- d) set out procedures to be followed in situations of potential conflict of interest; &
- e) provide guidance to those responsible for managing conflicts of interest.

Scope

'Staff' for the purposes of this policy means all full-time, part-time, fixed-term Staff, third party contractors, all researchers, students involved in research and any other person in receipt of payment from DCU.

This Policy applies to all Staff, and all others who work in DCU in any capacity, including Emeritus Professors or Lecturers, Adjunct Professors and those who work in research centres,



on DCU Committees and in wholly owned Campus Companies. All units of DCU are all hereinafter collectively referred to as 'DCU'.

Definitions

'Reviewer' in this policy means the individual to whom Staff submit their conflict of interest declaration.

In the first instance the Reviewer should be the Head of School, Head of their Unit, or reporting line for the Director of a Campus Company.

If the first Reviewer is not suitable given the nature of the activity or due to a potential conflict of interest for that individual, the declaration of conflict of interest can be submitted to the member of Senior Management responsible for that Unit/Faculty.

If the second Reviewer is not suitable given the nature of the activity or due to a potential conflict of interest for that individual, the declaration of conflict of interest can be submitted to the Chief Operations Officer.

If the Chief Operations Officer is not suitable given the nature of the activity or due to a potential conflict of interest for that individual, the declaration of conflict of interest can be submitted to the President of the University.

The working definition of 'Conflict of Interest' in this policy is a conflict between official responsibilities and external / private interests of a person acting on behalf of, or employed by, DCU or any of its subsidiaries".

Policy Statement

DCU recognises that policies that seek to eliminate all potential conflicts could also prevent many of the activities that universities now wish to encourage. Accordingly, rather than seek to prohibit all activities that might give rise to a conflict of interest, this Conflict of Interest Policy provides for a three-fold approach:

- a) Disclose potential conflicts of interest.
- b) Manage the conflict wherever possible.
- c) Prohibit the activity only when necessary to protect the public interest or the interest of DCU.

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

Identifying a Conflict of Interest

The primary obligation rests with the Staff member to recognise situations in which he or she has a potential conflict of interest and to disclose and discuss that conflict with their Reviewer.

Conflicts of interest may arise when a member of Staff is in a position to influence DCU activities in ways that could lead to personal gain or gain for an associated third party individual, such as a friend or family member or any other institution or entity with whom they are associated.

When asking yourself whether there is a possible conflict of interest consider:

- a) whether you would be concerned if colleagues, friends, or family became aware of your activities or if national media were reporting on them; &
- b) whether you would be concerned if you saw a colleague doing the same thing as you are contemplating.

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

The main categories of conflict of interest are:

1. Education Mission (Especially in regard to supervision, assessment, examination and teaching)
2. Research Integrity
3. Conflicts of Commitment and Loyalty
4. Financial Conflicts
5. Treatment of Intellectual Property and commercialisation by licensing.
6. Student Admissions and Assessments
7. Examinations
8. Student assessment
9. Disciplinary proceedings
10. Appeals
11. Procurement
12. Contractual arrangements
13. Consultancy whether in a personal capacity or through DCU officially
14. Arrangements relating to a Spin Out Company or a company with which the staff member is associated through shareholding, directorship or family connection
15. Recruitment
16. Promotion

17. Involvement in any business in actual or potential conflict with the business of the University.

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) A personal involvement in any company which has, or is in the process of responding to a tender which may result in a contract with the University.
- h) 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.
- i) Where a researcher holds shares, or has some other ongoing role, in a spin-out company, but may also be in a position to influence decisions relating to ongoing collaborative research between DCU and the spin-out.
- j) Where it is proposed to license DCU technology to a company which is owned or controlled by a family member or personal associate of the creator of that technology.
- k) Where a decision is being made on the distribution of equity in a spin-out company between DCU and an Inventor, but the Inventor is part of the normal decision-making process for spin-out approval.

These categories are intended to be illustrative and are not exhaustive.

On identification of a potential conflict of interest

When a member of Staff believes they have a conflict of interest they should complete the 'Declaration of Potential Conflict of Interest' form (in Appendix I) and submit it to their Reviewer.



A full prior disclosure of interests is an important (and in many cases, entirely sufficient) mechanism for the management of conflicts of interest.

When to disclose a potential conflict of interest

The 'Declaration of Potential Conflict of Interest' should be completed and submitted when the staff member first becomes aware of a potential conflict of interest.

This may be prior to the commencement of the activity or when circumstances change in a way that give rise to conflict (either as a result of changes to the member of Staff's responsibilities in DCU, changes in the nature of the relationship between the external company and DCU, or changes in the Staff members 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 their Reviewer is informed in advance of any changes to the relationship.

Managing a Conflict of Interest

The Reviewer 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.

In the instance of a potential conflict of interest, the key goal is to separate the relevant decision-making activities, so that they are separately and independently managed.

Recording a conflict of interest

The Reviewer will keep a written record of the fact that the conflict was reported and of how the conflict was dealt with. All records of Conflict Disclosure and management of conflict will be reported to the Chief Operations Officer who will store them centrally.

A summary of all potential conflicts reported and management mechanisms put in place will be submitted to the Governing Authority annually.

Related Policies and Statutes

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.

Roles and Responsibilities

It is the responsibility of **all Members of Staff** to disclose any possible conflict of interest.

In the course of considering cases of conflict of interest or potential conflict of interest, the **Reviewer** should consult with the **Director of Finance, the Director of Human Resources, The Vice President for Research and Innovation, DCU INVENT, Heads of Central University Support Units and University Senior Management**, as appropriate.

Specific duties of the Reviewer on being made aware of a conflict of interest.

- a) 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/or how it might best be managed.
- b) 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.
- c) 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.
- d) To consider, for approval, any cases where a staff member's proposed relationship with another organisation creates a conflict of interest.
- e) 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.
- f) To consider any instances where a potential conflict of interest may exist and take appropriate measures to protect Staff and DCU.
- g) To promptly, through the Vice President for Research and Innovation, advise the State Agency that funded a research contract of an unresolved conflict and to agree appropriate measures to deal with that conflict.
- h) 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 Chief Operations Officer and in instances of potential conflicts relating to research contracts, the Office of the Vice-President for Research should also be informed.

If the potential conflict involves the Reviewer (see 'Definitions' section above), the Staff member must disclose in writing and discuss any potential conflicts with the Deputy President or the Chief Operations Officer. In instances where the potential conflict involves the Deputy President or Chief Operations Officer, Staff must disclose in writing and discuss any potential conflicts with the University President.

Should a conflict of interest involve the University President the disclosure should be referred to the University's Governing Authority for review.



Sanctions

Failure to disclose a conflict of interest, or a potential conflict of interest, may result in disciplinary procedures being initiated by the University.

Contact

Any queries regarding this policy should be directed to the Chief Operations Officer.

Policy Review

This Policy shall be reviewed every year and within six months of a new, or updates to, the national IP Protocol or Code of Governance or any other significant change in national policy or guidance.

Version Control

Document Name	Conflict of Interest Policy	
Version Reference	V2.0	
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Approved by	Executive	
Date	13 th October 2020	

End.



Appendix

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.

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 Reviewer: _____

Recommendation: _____

Date: _____ Official Stamp:



Original of form to be retained on file and a copy forwarded to the Office of the Chief Operations Officer at ocoo@dcu.ie. In cases relating to research contracts, form to be also copied to the Office of the Vice-President for Research.