

MOUNT SAINT VINCENT UNIVERSITY

Conflict of Interest Policy

Guidelines for Researchers at Mount Saint Vincent University

March 2010

Preamble

Mount Saint Vincent University has both an interest and a duty to ensure that the conduct of research is not compromised by real or perceived Conflicts of Interest, as outlined in the Memorandum of Understanding signed with the Tri-Council Agencies (Natural Sciences and Engineering Council of Canada, Social Science and Humanities Research Council of Canada, and Canadian Institute of Health Research). This policy has been developed to ensure that Mount Saint Vincent University complies with federal regulations governing research. This policy is in addition to other University regulations, policies, and guidelines relating directly or indirectly to conflicts of interest. In preparing this policy, documents from several Canadian universities, the Tri-Council, as well as other institutions, were consulted to ensure maximum coverage, understanding and compliance.

Purpose

Conflict of Interest may arise when activities or situations place a person or the University in a real, perceived or potential conflict between their duties or responsibilities related to research and their personal, institutional or other interests. Conflict of Interest may occur when individuals' or institutional judgments and actions in relation to research are, or could be, affected by personal, institutional or other interests, including, but not limited to, business, commercial or financial interests, whether of individuals, their family members, their friends, or their former, current or prospective professional associates – or of the University itself.

This policy on Conflict of Interest is designed to:

- a) promote transparency, thereby increasing public trust in the research enterprise;
- b) create a culture of trust within and about the research community;
- c) help to educate the University community ;
- d) strive to reduce the negative impact of Conflict of Interest; and
- e) ensure visibility and consistent application of measures to prevent and deal with Conflict of Interest.

Institutional Responsibilities

In regard to Conflict of Interest, Mount Saint Vincent University will:

- a) develop and maintain a written institutional policy on Conflict of Interest;
- b) implement and administer this Conflict of Interest policy consistently and effectively and advise the relevant Agency, on request, of how the policy is being implemented and administered;
- c) stipulate clearly to whom its institutional Conflict of Interest policy applies and that it applies to all institutional personnel;
- d) ensure that all individuals to whom a given Conflict of Interest policy applies are appropriately informed of their obligations and responsibilities under that Policy;
- e) make every reasonable effort to insure that Conflict of Interest situations are disclosed and appropriately managed prior to any commitment or expenditure of research funds;
- f) put in place processes that provide for effective management of Conflict of Interest;
- g) disclose in writing to the relevant Agency any Conflict of Interest that may affect a decision about a specific application or request for a grant or award; and
- h) ensure that appropriate and effective Conflict of Interest policies are in place to protect all research trainees.

Application

The University's Conflict of Interest Policy applies to faculty, undergraduate students taking part in research, graduate students, postdoctoral fellows and other personnel involved directly or indirectly in research, including, but not limited to, research associates, technical staff, adjunct professors, visiting professors, and administrators and officials representing the University (hereinafter collectively referred to as "members"), and constitutes part of the formal relationship between the member and the University. Prior to commencing employment or otherwise engaging in research, each member shall receive a copy of this policy and shall indicate their compliance to its provisions.

Members of the University community may become involved in situations where their loyalties are divided or where their personal interest may conflict with their duty to the University. Situations can also arise in which members may be tempted to act in violation of their duty of loyalty to the University. This policy sets standards to govern conduct in such situations.

The intent of this policy is to ensure that members identify and avoid potential, actual or apparent conflicts so that they do not interfere with their obligations to the University, conform to financial ethics, and protect both their integrity and that of the University. The policy recognizes that conflict of interest can naturally arise from being active in research, industry, and the community, and that the mere existence of conflict is not necessarily improper but must be recognized, disclosed, assessed and addressed.

Conflict of Interest

The concept of "conflict of interest" covers a wide range of situations where what is at stake for individuals conflicts with their official responsibilities and the confidence vested in them. This type of "interest" may, for instance, be related to financial gain, professional advancement or academic promotion, commitments to third parties, allegiance to institutions, and roles or responsibilities of a professional, administrative, or academic nature.

For the purposes of this Policy, a conflict of interest is defined as follows:

A situation in which there is or may be perceived to be a divergence between the private interest or benefit (financial or otherwise) of a Member, the Member's Family, or an Outside Party, and that Member's obligations to the University, such that an impartial observer might reasonably question whether related actions to be taken or decisions to be made by the Member would be influenced by consideration of the Member's own interests, rather than those of the University.

A conflict of interest exists under this definition even if the action or decision called for under the personal obligation is identical with the action or decision required under the Institutional obligation (e.g., in service on a hiring committee when the member's relative is also the best qualified candidate for the position).

Conflict of Interest Policy Statement

Members shall not engage in activities having Conflict of Interest considerations until these considerations are disclosed, assessed and appropriately resolved. The University shall establish procedures for disclosing conflict related considerations, assessing those considerations and managing allowed conflicts. These procedures shall be fair, open, consistent, practical, and legislation compliant.

Conflict shall be allowed only if it can be managed in a way that is compliant with legislation, considers, protects and serves the interests, integrity and reputation of the University, and will withstand the test of reasonable and independent scrutiny.

As with all University policies, non-compliance constitutes misconduct, and may be pursued under the applicable collective agreement or University Policy.

Procedures for Resolving Conflict of Interest

- a) A member in a conflict or potential conflict of interest must disclose the full circumstances to her immediate supervisor (faculty supervisor, department chair, dean, or other senior administrator) in a timely fashion (e.g., before the member acts in any consequential way on the matter of concern).
- b) If the supervisor also has an interest in the matter to be disclosed, disclosure shall be made to the person at the next higher level of authority.
- c) The supervisor shall determine whether a conflict of interest exists and shall communicate this finding in writing to the member.
- d) In the event that a conflict does exist, the supervisor and the member shall agree in writing on a course of action to either avoid or manage and monitor the conflict. It is the responsibility of the supervisor to insure that this agreed-upon course of action is carried out.
- e) In the event that agreement cannot be reached the case shall be referred to the next higher level of authority for resolution.
- f) All information and disclosures made in accordance with this policy shall be held in confidence unless otherwise agreed by the parties involved.
- g) It is the responsibility of all members of the University community to report what they believe to be violations of this policy in a timely manner to the appropriate supervisor.
- h) It is the responsibility of those with supervisory authority to act promptly to reports of Conflict of Interest, or when they themselves detect what they believe to be violations of this policy (e.g., unreported conflicts of interest, noncompliance with agreed-upon measures to avoid/manage conflict, etc.), in order to provide or initiate the appropriate remedial or disciplinary measures.
- i) If disciplinary action is contemplated, the procedures used shall be those described in the appropriate disciplinary procedures policy for the member involved.

When Conflict of Interest becomes Professional Misconduct

Being in a conflict of interest does not in itself constitute professional misconduct. Misconduct exists when an individual is personally involved in a conflict of interest and is also in one or more of the following situations:

- a) The member fails to inform the appropriate authorities (e.g., department head/chair, dean, senior administrative head, vice-principal) of a situation that involves a conflict of interest; or
- b) The member fails to take appropriate steps to resolve the conflict of interest; or
- c) The member fails to communicate information regarding the conflict to superiors, students, clients, and colleagues; or
- d) The member fails to give justification for pursuing or continuing commitments, allegiances, or responsibilities that would appear to a supervisor, acting in good faith, to be generally incompatible with the member's duties and responsibilities to the University.