

POLICY ON CONFLICT OF INTEREST IN RESEARCH

Effective Date: April 24, 2020

Approval Authority: Senate

Supersedes /Amends: March 23, 2009

Policy Number: VPRGS-5

PREAMBLE

In accordance with the principles of transparency, accountability and the highest standards of professional conduct expected of members of the University engaged in research, a policy governing Conflicts of Interest (as defined below) in research is essential.

The present Policy forms part of a body of codes, policies, directives and collective agreements which set out standards of good conduct. Externally, these policies, agreements and statements include several emanating from the Tri-Council itself including, but not limited to, the [*Agreement on the Administration of Agency Grants and Awards by Research Institutions*](#), which is entered into by all Canadian universities and the Tri-Council Granting Agencies (the Natural Sciences and Engineering Research Council of Canada, the Canadian Institutes of Health Research and the Social Sciences and Humanities Research Council of Canada). Internally, relevant University policies include the *Policy on Conflict of Interest* ([BD-4](#)), the *Policy on Contract Research* ([VPRGS-1](#)), the *Policy for the Ethical Review of Research Involving Humans* ([VPRGS-3](#)), the *Policy for the Responsible Conduct of Research* ([VPRGS-12](#)), the *Policy on the Ethical Use of Animals in Research and Teaching* ([VPRGS-13](#)), the [*Academic Code of Conduct*](#) and provisions in the relevant collective agreements.

SCOPE

This Policy shall apply to all faculty members, 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, affiliate and visiting professors, and employees, administrators and officials representing the University (the “Members”).

Any provision of any University code, policy or directive which is inconsistent with this Policy with respect to the subject matter hereof shall be superseded and replaced by the provisions of this Policy.

However, nothing in this Policy shall replace or supersede any provision set out in any collective agreement to which the University is a party nor shall this Policy be applied in such a way as to detract from the rights of unions to defend the interests of their members and to

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exercise their rights under a collective agreement. In particular, nothing in this Policy shall be construed as detracting from the rights of a Member or a union from contesting a final decision made pursuant to this Policy in accordance with the grievance provisions of the relevant collective agreement.

PURPOSE

The purpose of this Policy is to:

- promote transparency thereby increasing public trust in the research enterprise;
- create a culture of trust in the research community;
- help to educate Members;
- strive to reduce the negative impact of conflicts of interest; and
- ensure visibility and consistent application of measures to prevent and deal with conflicts of interest.

DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

“Conflict of Interest” means a situation in which a Member, or their Related Party(ies), has a personal interest that conflicts or could conflict with the Member’s obligations to the University. The existence of a Conflict of Interest involves two elements:

- a) the Member’s or a Related Party’s personal interest(s); and
- b) the Member’s obligations to the University.

Personal interests may include business, commercial or financial interests, as well as relationships, private and career interests. A Member’s obligation to the University is to act in the University’s best interests, which includes acting in support of the University’s integrity and

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mission and avoiding circumstances that may undermine confidence and trust of the public, as well as the confidence and trust necessary between the University and its Members.

Conflicts of Interest may be actual or potential. An actual Conflict of Interest is a situation where the personal interest actually conflicts with the Member's obligations to the University. A potential Conflict of Interest is a situation where the personal interest has not yet conflicted with the Member's obligations to the University but might be expected to.

A perceived Conflict of Interest is a situation where an actual or potential Conflict of Interest may or may not exist, but where there may be, nonetheless, from the perspective of a reasonably well informed and impartial person, a perception of a Conflict of Interest. This is sometimes referred to as an "apparent" Conflict of Interest.

"Disclosure Report" means a report that discloses specific considerations relevant to deciding whether a Member is in a Conflict of Interest situation as outlined in Appendix A.

"Related Party" means a Member's immediate relative (spouse, child, parent, sibling or person with whom the Member has a personal/close relationship that is of primary importance in their life), or other person living in the same household, or any other person with whom the Member shares a financial interest, either directly or indirectly, or any entity in which the Member has an ownership interest.

"Reporting Officer" means the person to whom the Member must submit a Disclosure Report as outlined in Appendix B.

"Spin-off Company" means a company in which a Member or a Related Party has a personal interest (as described in the definition of Conflict of Interest).

POLICY

Standards of Conduct

1. A Member shall conduct themselves in an ethical and professional manner. They shall honour the principles of collegiality and fairness, and perform their duties and responsibilities with objectivity, care, integrity, loyalty, prudence and diligence to facilitate and foster the accomplishment of the University's mission.

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Situations of Conflicts of Interest

2. A Member shall perform their duties and responsibilities, and act in such a manner as to avoid any Conflict of Interest. The interests of the University shall always prevail when a Member is in a situation of Conflict of Interest or when the personal interest of a Related Party places a Member in a situation of Conflict of Interest. The following, without limitation, are examples of Conflicts of Interest in research:
 - a) when financial, professional or other personal considerations or commitments may compromise or have the appearance of compromising a Member's judgment in carrying out or reporting their research activities at the University;
 - b) when a Member is in a position to influence, either directly or indirectly, research activities in ways that could advance the Member's own personal interests, advance or hinder the personal interests of another Member or the personal interests of a Related Party; or
 - c) when the Member makes use of University resources and/or personnel in carrying out research activities to the benefit of a Spin-Off Company.

Disclosure and Management of Conflicts of Interest

3. Members shall be required to disclose the nature and extent of a Conflict of Interest prior to providing or undertaking the activity or service or entering into a situation that may constitute a Conflict of Interest. When a Member anticipates or is aware of a Conflict of Interest, they shall immediately file a Disclosure Report, in the form set out in Appendix A, to the Reporting Officer identified in Appendix B.
4. Until activities, services or situations having Conflict of Interest considerations are disclosed, assessed and dealt with in accordance with this Policy, Members shall not engage in such activities, services or situations.
5. A Conflict of Interest may be permitted when the University determines, in its sole discretion, that the Conflict of Interest can be managed in such a manner that it is compliant with legislation and other regulatory or contractual requirements, protects the

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integrity, reputation and interests of the University and withstands the test of reasonable and independent scrutiny.

6. All information disclosed by a Member in respect of this Policy shall be held in confidence by the University, in accordance with the University's policies and legislative, regulatory or contractual requirements.
7. Each Member shall be responsible for ensuring their compliance with this Policy.
8. A Member who fails to disclose circumstances of a Conflict of Interest or who is otherwise not in compliance with this Policy shall be subject to appropriate disciplinary action in accordance with the relevant University policy or relevant collective agreement.

Determination of Conflicts of Interest

9. Until there has been a determination that there is no Conflict of Interest or that there is a Conflict of Interest, but that it may be managed appropriately and therefore permitted, a Member shall not enter into the activities, services or situations that are the subject matter of the Disclosure Report.
10. Upon receipt of the Disclosure Report, the Reporting Officer shall immediately send a copy to the Vice-President, Research and Graduate Studies who shall be available for any guidance that may be required. The Reporting Officer shall review the Disclosure Report and shall determine whether:
 - a) no Conflict of Interest exists;
 - b) a Conflict of Interest exists that is prohibited; or
 - c) a Conflict of Interest exists, but that it may be permitted if it is managed and monitored.
11. Prior to rendering a decision, the Reporting Officer may request additional information of the Member regarding the anticipated Conflict of Interest.

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12. The Reporting Officer shall inform the Member of their decision in writing within 15 working days following receipt of the Disclosure Report.
13. In the event that the Reporting Officer anticipates themselves having a Conflict of Interest in the situation being assessed, the Reporting Officer shall refer the Disclosure Report to the next appropriate senior Reporting Officer for review, as set out in Appendix B.
14. When the Reporting Officer has determined that:
 - a) there is no Conflict of Interest, the Member shall be free to pursue the activity, service or situation that was the subject matter of the Disclosure Report;
 - b) there is a Conflict of Interest that is prohibited, the Member shall not pursue the activity, service or situation that was the subject matter of the Disclosure Report; or
 - c) there is a Conflict of Interest, but that it can be managed (and therefore permitted), the Member shall be free to pursue the activity, service or situation that was the subject matter of the Disclosure Report, but only when an appropriate method of managing and monitoring the Conflict of Interest has been established, and the Member has agreed, in writing, to comply with such management and monitoring process.
15. A copy of the Reporting Officer's decision shall be sent to the Vice-President, Research and Graduate Studies and, in a case involving a faculty member, to the Department Chair and Faculty Dean, as well. A copy of the decision shall be placed in the Member's personnel file.

Review of Reporting Officer's Decision Requested by the Member

16. Within 10 working days from the issuance of the Reporting Officer's decision, a Member may submit such decision for review to the next appropriate senior Reporting Officer as set out in Appendix B (the "Reviewing Officer").
17. The Reviewing Officer shall review the decision of the Reporting Officer and may uphold the decision in its entirety, uphold the decision in part, modify the decision or overrule the decision in whole or in part.

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18. Prior to rendering a decision, the Reviewing Officer may request additional information of the Member or the Reporting Officer regarding the anticipated Conflict of Interest.
19. The Reviewing Officer shall inform the Member of their decision in writing within 15 working days following receipt of the review request.
20. A copy of the Reviewing Officer's decision shall be sent to Vice-President, Research and Graduate Studies, the Reporting Officer and, in a case involving a faculty member, to the Department Chair and Faculty Dean, as well. A copy of the decision shall be placed in the Member's personnel file.
21. In the event that the Reviewing Officer anticipates themselves having a Conflict of Interest in the matter being reviewed, they shall refer the review request to the next appropriate senior Reporting Officer for review as set out in Appendix B.

Review of Reporting or Reviewing Officer's Decision by the Vice-President, Research and Graduate Studies

22. Within 10 working days from the receipt of the Reporting or Reviewing Officer's decision, the Vice-President, Research and Graduate Studies may choose to submit such decision for an independent review and recommendation by a three person ad hoc Advisory Committee named by the Vice-President, Research and Graduate Studies.
23. The ad hoc Advisory Committee shall review the decision of the Reporting or Reviewing Officer and may recommend to the Vice-President, Research and Graduate Studies to uphold the decision in its entirety, uphold the decision in part, modify the decision or overrule the decision in whole or in part.
24. Prior to rendering its recommendation, the ad hoc Advisory Committee may request additional information of the Member and the Reporting or Reviewing Officer regarding the anticipated Conflict of Interest.
25. The ad hoc Advisory Committee's recommendation shall be made to the Vice-President, Research and Graduate Studies within 15 working days following receipt of the review request from the Vice-President, Research and Graduate Studies. The Vice-President,

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Research and Graduate Studies shall render their final decision on the matter within 5 working days of receiving the recommendation.

Responsibility of the Vice-President, Research and Graduate Studies

26. The Vice-President, Research and Graduate Studies shall:
- a) ensure that sound record-keeping and documentation mechanisms are in place for Conflict of Interest disclosures, their management and Conflict of Interest decisions;
 - b) prepare an annual report summarizing, without nominative information, the number of Conflict of Interest disclosures. The report will outline the number of disclosures that required decisions and management, and the number that could not be managed and therefore led to a prohibition of an activity;
 - c) ensure that annual education and awareness workshops on Conflict of Interest are held;
 - d) develop appropriate and reliable mechanisms for informing Members about this Policy and its requirements; and
 - e) act as the central University resource with respect to any Conflict of Interest issues that may arise.

Policy Responsibility and Review

27. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Vice-President, Research and Graduate Studies.

Adopted by Senate on March 20, 2009, and by the Board of Governors on March 23, 2009, and amended by Senate on April 24, 2020.



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APPENDIX A DISCLOSURE REPORT FORM

Last Updated - April 2020

Appendix A to the *Policy on Conflict of Interest in Research* ([VPRGS-5](#)) (the "Policy").

To be completed by any Member who anticipates or is aware of a Conflict of Interest ("COI").

The Member shall file updated Disclosure Report Forms relative to any COI and/or to the answers provided on this form on an ongoing and timely basis as necessary to report any material developments.

SECTION 1: To be completed by the Member

Name of Member

Date of the present Disclosure

Faculty / Department

Email address and telephone number

Status/title of Member taking part in research (check one):

- | | |
|-----------------------|--------------------------|
| Faculty member | ☐ |
| Undergraduate student | ☐ |
| Graduate student | ☐ |
| Post-doctoral fellow | ☐ |
| Research associate | ☐ |
| Technical staff | ☐ |
| Adjunct professor | ☐ |
| Affiliate professor | ☐ |
| Visiting professor | ☐ |
| Administrator | ☐ |

Other:

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Describe below (or in a separate attached document) the research project in question¹:

Describe below (or in a separate attached document) the nature and extent of the COI including all activities, services or situations which could place the Member in a COI ² in accordance with the Policy.

¹ All information disclosed will be held in confidence in accordance with University policies and legislative, regulatory and contractual requirements.

² Until activities, services or situations having COI considerations are disclosed, assessed and dealt with, Members shall not engage in such activities, services or situations.

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For situations of COI relating to a Spin-off Company (as defined in the Policy) please provide the following information:

Describe the Member's or Related Party's interests or stake in the Spin-off Company.

Describe the Member's or Related Party's role or position in the Spin-off Company.

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Describe the Member's intended time commitment to the activities of the Spin-off Company.

Describe the planned involvement of any students, University faculty and/or other University personnel in the Spin-off Company's activities, highlighting in particular any situations in which the Member has academic or administrative supervision responsibilities for such individuals.

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Describe the relationship between the Spin-off Company activities and the Member's University research activities, highlighting any real or perceived overlap in these activities.

Signature of Member

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SECTION 2: To be completed by the Reporting Officer

Name and title of Reporting Officer

Date of receipt of the present Disclosure Report

Email address and telephone number

Copy of the present Disclosure Report sent to the Vice-President, Research and Graduate Studies?

Yes

Date sent

No

Decision of the Reporting officer (check one):

- ☐ No COI exists, the Member is free to pursue the activity, service or situation that was the subject matter of the present Disclosure Report.
- ☐ A prohibited COI exists, the Member shall not pursue the activity, service or situation that was the subject matter of the present Disclosure Report.
- ☐ A COI exists but the Member may pursue the activity, service or situation that was the subject matter of the present Disclosure Report only in accordance with the following conditions and/or instructions and/or method and/or monitoring (or see separate attached document)³:

³ The Member shall agree in writing to the Reporting Officer's established method of managing and monitoring of the COI.



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Signature of the Member agreeing and consenting to the aforementioned conditions:

Signature

Date

Date of decision by Reporting Officer

Signature of Reporting Officer

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APPENDIX B REPORTING OFFICERS

Member type	Reporting Officer
President	Chair of the Board
Vice-President	President
Associate Vice-President	Vice-President
Dean of a Faculty or a School with the exception of the School of Graduate Studies	Provost and Vice-President, Academic
Dean of the School of Graduate Studies	Vice-President, Research and Graduate Studies
Associate Dean or Departmental Chair	Dean
Faculty Member including adjunct, affiliate and visiting professor	Associate Dean with responsibility for Research
Postdoctoral Fellow	Associate Dean with responsibility for Research
Research staff including research associate and technical staff	Associate Dean with responsibility for Research
Graduate Student	Associate Dean with responsibility for Research
Undergraduate Student	Associate Dean with responsibility for Research
Staff member of an administrative unit within a faculty	Associate Dean with responsibility for Research
Staff member in an administrative unit outside of a faculty	Vice-President, Research and Graduate Studies