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Name:	Conflict of Interest in Research
Policy Number:	8-1004
Origin:	FGSR Research Committee
Approved:	January 16, 2009
Issuing Authority:	Senate
Responsibility:	Vice President, Academic and Research
Revision Date(s):	NA
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Purpose:

The Conflict of Interest in Research Policy (hereafter, referred to as The Policy) is aimed at ensuring and maintaining the public's confidence in Research carried out by The University, in University Members who conduct or support the Research, and in External Sponsors that fund the Research. In this regard, those University Members, External Sponsors and The University share a responsibility to ensure that the integrity of Research is not compromised by real, perceived or potential Conflicts of Interest.

Other Relevant Policies:

- Saint Mary's University Policy on Integrity in Research and Scholarship and Procedures for Reporting and Investigating Scholarly Misconduct (Senate; VP, Academic and Research)
- Senate Policy on Ethical Conduct for Research Involving Humans (Senate, VP, Academic and Research)
- Policy 4-1009: Procurement – Conflict of Interest (VP, Finance)
- Research Agreements Policy (VP, Finance; VP, Academic and Research)
- Policy SMU0001: Nepotism Policy (VP, Administration)

Definitions:

Closely Associated Persons: Persons related by blood, adoption, marriage, or common law marriage to University Members, persons with whom University Members have intimate personal relationships, or persons who are former, current or prospective business or research associates of the University Member.

Conflict of Interest: 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.

- the University Member or Closely Associated Person obtains a financial interest or position of influence in a Business connected to the University Member or Closely Associated Person with which The University has an existing relationship.

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 1).

Disclosure: Provision of full particulars of the matter giving rise to and the nature of the Conflict of Interest.

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

External Sponsors: Bodies and individuals external to The University, including but not limited to, the Federal Granting Agencies (NSERC, SSHRC and CIHR), other federal and provincial government funding agencies (e.g. ACOA, CRC, CFI, NSHRF), federal, provincial and municipal government departments, federal and provincial crown corporations, non-governmental organizations, research foundations, philanthropic organizations, private-sector companies, industry associations and private citizens which provides funding for Research carried out by University Members.

Financial Interest: An interest in a Business consisting of (a) any stock, stock option or similar ownership interest, but excluding any interest arising solely by reason of investment in such business by a mutual fund, pension fund, or other institutional investment fund over which the university member does not exercise control; or (b) receipt of, or the right or expectation to receive, any income, participation in or benefit from such Business or elsewhere whether in the form of a fee (e.g. consulting), business, salary, allowance, forbearance, forgiveness, interest in real or personal property, dividend, royalty derived from the licensing of technology, rent, capital gain, real or personal property, or any other form of compensation, or any combination of the foregoing;

Personal Interests: The 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(s) in Authority: The 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 The 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.

The University: Saint Mary's University as an institution and all its constituent University Members, including entities partially owned or controlled by The University.

The Policy: Saint Mary's University Conflict of Interest in Research Policy.

University Member(s): 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 assistants and associates, technical staff, adjunct professors, visiting professors, and university administrators and officials representing The University.

Scope of The Policy:

The Policy applies to all Research funded by The University, External Sponsors, and Research that a University Member is funding personally.

The Policy applies to all University Members.

The Policy governs all Research activities that can reasonably be conducted "under the auspices" of The University. Such Research includes:

- (a) Research conducted within The University facilities by or under the direction of University Members;
- (b) Research conducted or directed by University Members under the direction or sponsorship of The University at facilities external to The University;

The Policy Statement:

A University Member shall not participate in a decision, process or activity involving Research at The University that involves Conflict of Interest unless such decision or process has been approved in advance by the Person in Authority responsible for such decision or process and, if such approval has been given, any terms or conditions made by the Person in Authority regarding such decision or process are fulfilled.

Contextualizing the Policy Statement:

1. In the university environment, it is inevitable that Conflict of Interest in Research will sometimes arise. **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.**
2. A central tenet of the proper handling of Conflict of Interest is Disclosure. **Any University Member who is aware, or has reasonable grounds to believe, that (s)he is in a Conflict of Interest in Research must self-disclose the nature of the Conflict of Interest 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 (see Procedures below).
3. All University Members are required to maintain the integrity of the Research enterprise at The University. That being said, **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 "Senate University Policy on Integrity in Research and

Scholarship and Procedures for Reporting and Investigating Scholarly Misconduct" for possible action.

4. Being in a Conflict of Interest does not necessarily mean that a University Member will not be able to have some role in the relevant decision, process or activity. However, that role will come with clearly defined terms and conditions identified by the Person in Authority. **University Members found to be in Conflict of Interest must immediately respond to the direction of the Person in Authority to address the Conflict of Interest.** Normally, the University Member will not participate in The University decision or process that involves a Conflict of Interest, but shall instead declare the Conflict of Interest and then remove her/himself from the decision or process in question. A University Member will not participate in any activity that involves a Conflict of Interest 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 (see Procedures below).

5. It is highly likely that a Research decision, process or activity may relate to a number of policies that contain conflict of interest provisions (e.g. other policies of The University, policies and procedures related to the funding from the External Sponsor). **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, the Person in Authority 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 or activity.**

Procedures:

1) On Making Disclosures:

- a) As soon as a University Member becomes aware of a Conflict of Interest in Research, (s)he must make a Disclosure to the Person in Authority. Normally, a disclosure of a Conflict of Interest in Research shall be made in writing. Minor conflicts, such as those that may arise in a committee meeting, may be disclosed verbally to the Person in Authority (i.e. the chair).
- b) Upon receiving an oral Disclosure from the University Member, the Person in Authority may request that the University Member make the Disclosure in writing.
- c) If a Person in Authority becomes aware of a Conflict of Interest in Research or potential Conflict of Interest, (s)he will request a Disclosure in writing from the University Member.

2) On Responding to Disclosures :

- a) The Person in Authority to whom the Disclosure has been made shall decide whether a Conflict of Interest exists, whether it will be permitted to continue and, if so, under what, if any, conditions.
- b) The Person in Authority shall base this decision on a determination of the course of action that is in the best interests of The University and its capacity to fulfill its mission. In making this determination, the Person in Authority may take into account the following factors:

- i) any possible harm to the interests of students, research participants, clients of university services, or others served by The University, should the Conflict of Interest be permitted to continue;
 - ii) any possible harm to The University or its employees, officers or others acting on its behalf if the Conflict of Interest were allowed to continue;
 - iii) whether reasonable alternate arrangements which do not involve a Conflict of Interest can be made;
 - iv) the consequences to The University and its reputation and future activities of not permitting the Conflict of Interest to continue;
 - v) the consequences to The University and its reputation and future activities of permitting the Conflict of Interest to continue;
 - vi) the educational, research, economic and other interests of The University;
- c) A Person in Authority may require additional information from The University member and may consult with others before making a decision relating to a Conflict of Interest.
 - d) A Person in Authority may impose terms and conditions before permitting a Conflict of Interest to continue (see Guidelines below). Such terms and conditions will often include disclosure of information concerning the existence of the Conflict of Interest and/or the Person in Authority's decision, to individuals potentially affected by the Conflict of Interest. A Person in Authority shall not permit a Conflict of Interest situation to continue where there is reason to anticipate that to do so would not be in the best interests of The University.
 - e) Where applicable, the decision of the Person in Authority shall be communicated in writing to the University Member.
 - f) Notwithstanding any decision by a Person in Authority regarding a Conflict of Interest, the Person in Authority may review any decisions at any time and may vary such decisions.

Compliance:

The intent of The Policy is to assist The University in the management of Conflict of Interest in Research. It is expected that all University Members will comply fully with The Policy, including all requirements for Disclosure. Failure to do so shall constitute a breach of The Policy and grounds for disciplinary action in accordance with the applicable collective agreement, employment contract, or other applicable disciplinary process of The University, including those contained in the "Senate Policy on Integrity in Research and Scholarship and Procedures for Reporting and Investigating Scholarly Misconduct."

Effect on Collective Agreements:

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

Guidelines:

The following guidelines are in the form of answers to questions and are for the purpose of aiding University Members and Persons in Authority in assessing if Conflicts of Interests in research exist and options for handling Conflicts of Interest,

including terms and conditions for enabling University Members to be involved in decisions or process where Conflict of Interest in Research exist. The situations presented below are only examples and the list is not exhaustive.

1) In reviewing and adjudication processes (e.g. grant applications, scholarly article reviews) and in the selection of external examiners for theses, who would be in a Conflict of Interest with University Member as a Closely Associated Person?

The person:

- is from the same University department/program;
- has been a research supervisor or graduate student of the University Member within the past six years;
- is providing letters of support;
- has collaborated with the University Member within the past six years or has plans to collaborate in the immediate future;
- is an employee of a non-academic organization with which the University Member has had collaboration within the past six years.

2) In adjudication work in committees, and for what are considered minor Conflicts of Interests (e.g. a committee member is from the same Faculty or Department but has no personal relationship or research collaboration with the University Member), what are some conditions which might enable a committee member to continue in the committee's work?

The Person in Authority could require the committee member in the Conflict of Interest to:

- disclose the Conflict of Interest to the committee;
- leave the room when the application is being adjudicated;
- take part in the discussion around the application, but leave the room when the application is voted upon;
- or, take part in the discussion around the application, but not take part in the vote on the application.

3) In adjudication work in committees, if a committee member is also an applicant, (s)he is clearly in a Conflict of Interest. Under what conditions might a committee member continue in the committee's work?

The Person in Authority could require the committee member in the Conflict of Interest to:

- disclose the Conflict of Interest to the committee and leave the room when her/his application is being adjudicated and voted upon.

4) If a potential graduate student falls into the category of Closely Associated Person, but the relationship to a University Member is not particularly close (e.g. a blood relative, but not closely related; a former business associate, but one which the University Member has had no relationship or dealings in the past six years), under what conditions might the University Member be involved in the thesis supervision of the student?

The Person in Authority could allow the University Member in the Conflict of Interest to:

- serve on the supervisory committee, but not be the primary supervisor;
- or, serve as a co-supervisor of the student

References/sources (passages of this 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 Interests. 2002. Dalhousie University. http://senate.dal.ca/Files/policies/Conflict_of_Interest.pdf
3. Conflict of Interest/Conflict of Commitment – An Issues Paper. 2004. The Federal Granting Agencies (NSERC, SSHRC & CIHR). http://www.nserc.gc.ca/institution/coi/toc_e.htm#intro
4. Notification of Intent to Apply for a Discovery Grant. 2008. NSERC. <http://www.nserc.gc.ca/forms/instructions/180/e.asp>
5. Schedule 14: Conflicts of Interest of the 2008 Memorandum of Understanding Between Saint Mary's University and The Federal Granting Agencies, namely the Natural Sciences and Engineering Research Council (NSERC), the Social Sciences and Humanities Research Council (SSHRC) and the Canadian Institutes of Health Research (CIHR). http://www.nserc.gc.ca/institution/mou_sch14_e.htm

APPENDIX 1

Examples of Conflicts on Interest in Research

Conflicts on Interest in Research situations take many forms. 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 or 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 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 The University resources in more than an incidental manner for private Business purposes;
- uses information acquired in the course of University activities, which is not in the public domain, to advance their Personal or Financial Interests or those of a related Business.