

CONFLICT OF INTEREST AND CONFIDENTIALITY

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Note: This policy no longer applies to employees of the University whose terms and conditions of employment are governed by the Framework Agreement <http://web.uvic.ca/vpac/framework/framework.htm>, effective January 1, 2001.

PURPOSE

- 1.00 Conflicts of interest may arise when activities or situations place a person in a real, perceived or potential conflict between their duties or responsibilities related to research, teaching, administrative decisions or other activities in which they participate in the University and their private interests. The purpose of this Policy is to promote transparency, reduce the incidence and impact of conflicts of interest and provide for visibility and consistent application of measures to prevent and deal with conflicts of interest. The Policy also states obligations regarding confidential information.

DEFINITIONS

- 2.00 "Chair" means a chair of an academic department and includes a Director of a School.
- 3.00 "Funded research activity" means any research, creative or professional activity that is funded directly or indirectly under an agreement with any granting agency or council, any public or private corporation, or any government agency, whether or not the agreement is characterized as a grant or a contract.
- 4.00 "Initial Reviewer" is determined as follows:
- a) where the University member works under the auspices of or is employed by a person working under the auspices of an academic department or Faculty without departments, the Initial Reviewer will be the Chair or Dean (in a Faculty without departments) of that department or Faculty;
 - b) where a) does not apply, but the University member works under the auspices of a Research Centre or Institute or is employed by a person working under the auspices of a Research Centre or Institute, the Initial Reviewer will be the Director of the Centre or Institute;

- c) where neither a) nor b) applies, but the University member works under the auspices of an administrative unit or the Libraries, the Initial Reviewer will be the head of the administrative unit or the University Librarian, as applicable; and
- d) in any other case, the Initial Reviewer will be the person designated by the University Secretary.

5.00 "Under the auspices of" means carrying on any University activity where the person:

- a) holds any appointment (whether remunerated or not) in;
- b) is employed to work in;
- c) is a student studying in; or
- d) is affiliated or associated (formally or informally) for purposes of the University activity with

the University or a named division or unit of the University.

JURISDICTION/SCOPE

6.00 This Policy applies to all students and employees of the University, and to all persons carrying on teaching, research, administrative or service activities under the auspices of the University except those to whom the provisions of the Framework Agreement relating to conflicts of interest apply. These persons are referred to collectively as "University members".

7.00 This Policy applies to the participation of University members:

- a) in any recommendation or decision or the process leading to such a recommendation or decision that arises in the course of University-related activities;
- b) in matters pertaining to the financial or property interests of the University;
- c) in research activity, including the submission of applications for research funding from any granting agency; and
- d) in any entity controlled by the University.

These activities are referred to separately in this Policy as a "University activity" or, collectively, as "University activities".

POLICY

8.00 No University member may participate in any University activity if he or she would reasonably be perceived to be acting in a conflict of interest unless the University member has adopted measures determined in accordance with this Policy for the appropriate management of the conflict. Every University member must disclose, in accordance with this Policy, any conflict of interest that would, may or may reasonably be perceived to affect his or her participation in University activities. Every University member must use confidential information

acquired in the course of University activities only for the purpose for which it was disclosed.

SCOPE OF CONFLICT OF INTEREST

- 9.00 Conflicts of interest are real, perceived or potential situations in which an impartial observer might reasonably question whether actions or decisions taken by the University member in University activities are influenced by considerations of private interest. A conflict of interest includes a situation where financial or other personal considerations may compromise, or have the appearance of compromising, a person's professional judgment in conducting or reporting research or carrying out teaching or service activities.
- 10.00 A conflict of interest does not arise where:
- a) University members participate in negotiations with the University with regard to salary, benefits or terms of employment;
 - b) the interest and any benefit to the University member is only as part of the advancement of the interests of the University member's unit as a whole;
 - c) a University member represents another person against the University in any proceedings established under any University Policy, collective agreement, employment contract or the University Act.

OBLIGATION TO DISCLOSE

- 11.00 Any University member who becomes aware that he or she has an actual or potential conflict of interest that would, may or may reasonably be perceived to affect the University member's participation in any University activity must, as soon as practical, disclose in writing the existence, nature and scope of the conflict to the University member's Initial Reviewer.
- 12.00 Any University member who directly participates in the conduct of funded research activity as an applicant for funds, a principal investigator or a co-investigator must, prior to the commencement of his or her participation in the research, submit a written statement (Disclosure Statement) to the University member's Initial Reviewer. The Disclosure Statement must identify any real or potential conflict of interest that might reasonably affect or be perceived to affect the University member's participation in the research or state that no such conflicts exist. The Disclosure Statement must be updated if any material change has occurred in the matters disclosed in it and, in any event, on the annual anniversary date of the original Disclosure Statement, as long as the University member's participation in the research continues.

DETERMINATION AND RESOLUTION OF CONFLICTS

- 13.00 Where an actual or potential conflict of interest has been disclosed to an Initial Reviewer, the latter shall determine whether a conflict of interest exists and appropriate measures to deal with that conflict of interest, including whether the

conflict of interest prevents the University member from carrying out the activity giving rise to the conflict or whether it can be carried out with appropriate safeguards.

- 14.00 In determining the appropriate measures to deal with a conflict of interest, the Initial Reviewer shall consider any relevant factors, including, but not limited to:
- a) Any possible harm to the University or its employees, officers or others acting on its behalf if the conflict is allowed;
 - b) Any possible harm to the interests of students, clients of University services or others served by the University, if the conflict is allowed;
 - c) Whether reasonable alternative arrangements are possible which do not create a conflict of interest or whether conditions may be imposed that would eliminate the conflict of interest;
 - d) The consequences to the University, its reputation and future activities if the conflict of interest is or is not allowed;
 - e) The educational, research, economic and other interest of the University;
 - f) The degree to which the conflict, where arising in the context of research, might compromise the researcher's professional judgment in conducting or reporting research; and
 - g) The rights and interests of the University member.
- 15.00 The Initial Reviewer may request additional information relating to the conflict of interest, consult with others in assessing the conflict, impose terms upon the University member as a condition of allowing the University member to participate in the University activity in which a conflict of interest has arisen, or require the University member to abstain from participation in the activity.
- 16.00 Any Vice-President may establish procedures for disclosing and managing conflicts of interest in his or her areas of responsibility and those procedures may set out guidelines for disclosure of conflicts of interest and principles for the management of any conflicts.
- 17.00 Where the Initial Reviewer has made a determination that a conflict of interest exists and the appropriate measures for dealing with it, he or she will notify the University member in writing and will include any terms and conditions that must be followed. Subject to the provisions of any collective agreement or employment contract, where the University member wishes to dispute the decision of the Initial Reviewer, the University member may appeal the decision to the administrative officer to whom the Initial Reviewer reports. The decision of that administrative officer is final and there will be no further appeal permitted.

WHERE A CONFLICT OF INTEREST EXISTS

- 18.00 When a University member has been informed of a decision under section 16.00, the University member must comply with the decision of the Initial Reviewer, unless and until that decision is altered through the exercise of any rights under any collective agreement, employment contract or appeal as specified in section 16.00.
- 19.00 Failure to disclose a material conflict of interest or abide by the provisions of this Policy may result in disciplinary action under the relevant collective agreement, contract or, in the case of students, the academic integrity provisions of the Calendar or in the denial by the University of further privileges and support where disciplinary action is not applicable.
- 20.00 A University member who, in good faith, follows the requirements of this Policy and participates in any University activity after receiving approval from his or her Initial Reviewer, or on any appeal, and carries out those activities in accordance with any plan for managing any conflict of interest decided upon, will be deemed not to be acting in a conflict of interest.

CONFIDENTIAL INFORMATION

- 21.00 A University member, who receives confidential information in the course of University activities, must not use the confidential information for any purposes other than those for which it is disclosed and must comply with the instructions of his or her supervisor regarding the confidentiality, protection and disclosure of such information.

REPORTING AND CONFIDENTIALITY

- 22.00 To the extent permitted by law and by this Policy, a University member's disclosure of a conflict of interest will be kept confidential. This does not apply to limit the ability of the Initial Reviewer to consult other University administrators in the process of making a decision nor does it limit disclosure reasonably necessary for the enforcement of this Policy.
- 23.00 Initial Reviewers will be required to report annually summaries of the conflict of issue matters they have dealt with and their resolution, edited so as to be anonymous, to the Office of Research Services (ORS), in accordance with the procedures of the ORS.

AUTHORITIES AND OFFICERS

- 24.00 The authorities and officers for this policy are:

- i) Approving Authority: Board of Governors
- ii) Designated Executive Officer: President
- iii) Procedural Authority: President
- iv) Procedural Officer: President

RELATED POLICIES AND DOCUMENTS

Policy AC1200 (1320): Guidelines on Conflict of Interest in Student-Faculty Relationships

Policy HR6200 (1330): Conflict of Interest in Employment Practices