



Memorial University of Newfoundland

Conflict of Interest Policy

Approval Date:

Effective Date:

Review Date:

Authority:

The President

Principle

The University holds itself to the highest ethical standard and recognizes that accountability and transparency are essential for its operation. It is the ethical responsibility of everyone who acts on behalf of the University to ensure that decisions and actions that affect the University are taken in the best interests of the University and are not influenced by personal interests. To maintain public and professional trust and confidence, the University must deal with actual, potential or perceived conflicts of interest in an open, fair and consistent way. This Policy applies to all three kinds of conflicts of interest.

This Policy has three components:

Recognition: Conflicts of Interest must be defined and identified to permit their appropriate disclosure and management.

Disclosure: Conflicts of Interest must be disclosed in accordance with this Policy. Full and complete disclosure is necessary to protect the integrity and reputation of the University.

Management: Only Conflicts of Interest that can be managed in a manner that considers, protects and serves the interests, integrity and reputation of the University and that withstands the test of reasonable and independent scrutiny will be permitted.

Purpose

To set out the University's position on actual, potential and perceived Conflicts of Interest and to provide processes and mechanisms to address these, so that the University and its external constituencies can be confident decisions and actions are not inappropriately influenced by personal interests. The policy is intended to be complementary to other policies and collective agreements governing the conduct of Members.

Scope

All Members of the University Community.

Definitions

Academic Supervisor — A person who is or has been, within the last six years, the academic supervisor of an undergraduate, graduate or postdoctoral student.

Committee – the Conflict of Interest Committee appointed by the President.

Conflict of Commitment – a situation in which the Outside Activity or external professional, business or personal activity of a Member is sufficiently demanding, or is organized in such a manner, or is otherwise such that it actually or potentially prevents or impedes, or has the appearance of actually or potentially preventing or impeding, the due discharge of the Member's primary commitment, responsibilities and obligations to the University.

Conflict of Interest – a situation in which a Member's Personal Interest actually or potentially compromises or has the appearance of actually or potentially compromising that Member's independence and objective judgment in actions or decisions taken by that Member on behalf of or towards the University, including teaching, research, service, administration and any other professional obligation to the University. Conflict of Interest includes a Conflict of Commitment.

Member — Any person who teaches, conducts research, studies or works at or under the auspices of the University and includes, without limitation:

- tenure-track, tenure or contractual faculty;
- permanent, temporary or contract staff;
- all students;
- clinical faculty (includes stipendiary and non-stipendiary appointments);
- adjunct faculty in their capacity as researchers, instructors or co-supervisors of students;
- per-course instructors, postdoctoral fellows, research assistants and associates; and
- any other persons while they are acting on behalf of or at the request of the University.

Outside Activity — Any activity outside a Member's work with the University that involves the same or similar specialized skill and knowledge that a Member uses in his or her work with the University and includes, but is not limited to, the ownership and operation of a business and consulting and advisory services.

Personal Associate — A person with whom a Member has or has had a marital, familial, sexual, intimate, financial or other close relationship.

Procedure – Any procedure made in relation to this Policy.

Professional Associate — A person with whom the Member has or has had within the previous six years, a close or substantial professional relationship and includes, but is not limited to, a relationship of mentor, co-author, research collaborator or research investigator or employment

supervisor of the Member. A student for whom a Member has acted as Academic Supervisor is a Professional Associate of that Member.

Personal Interest – the personal, private, financial, business, commercial or career interest of a Member. The personal, private, financial, business, commercial or career interest of a Member’s Personal Associate or Professional Associate is deemed to be the interest of that Member.

Unit Head – includes Heads of Departments, Divisions or Schools, Deans, Directors, Executive Directors, the University Librarian, the University Registrar, Associate Vice-Presidents, Vice-Presidents and the President. The Unit Head for the President shall be the Chair of the Board of Regents.

University — Memorial University of Newfoundland.

Policy

1. General

1.1 All Members are responsible for:

- 1.1.1 complying with the requirements of this Policy and any Procedure;
- 1.1.2 complying with other applicable conflicts of interest policies imposed by third-party organizations, agencies or institutions related to their activities at the University; and
- 1.1.3 acting promptly to remedy any Conflict of Interest or Conflict of Commitment that exists.

1.2 All Members are responsible for ensuring that their participation in a University-related activity and any Outside Activity is undertaken in compliance with this Policy, including ensuring such activities are conducted in a manner that:

- 1.2.1 is consistent with the University’s mission and mandate to advance and disseminate knowledge;
- 1.2.2 maintains the general public’s trust and confidence that the University and its Members are able to undertake the University’s mission, values and commitments devoid of bias and personal interest; and
- 1.2.3 is undertaken with integrity and in adherence to the highest ethical standards at all times, including recognizing, declaring and appropriately managing any Conflict of Interest or Conflict of Commitment in a timely, open, forthright, constructive and accountable manner.

1.3 Failure to comply with the provisions of this Policy will be pursued under applicable collective agreements, employment contracts, codes or other University policies and may result in disciplinary action. The University reserves the right to recover any profit or financial benefit obtained by a Member as a result of non-compliance.

1.4 The failure of a Member to follow applicable ethical guidelines or requirements pertaining to the identification, disclosure or management of conflicts of interest in the context of research may constitute a violation of this Policy as well as other policies of the University applicable to such research. Such failure may also constitute a breach by the Member of terms or conditions applicable to funding that supports such research.

2 Conflicts of Interest

2.1 Recognizing Conflicts of Interest

2.1.1 Identifying a Conflict of Interest involves two components:

2.1.1.1 identifying the Personal Interest(s) of the Member; and

2.1.1.2 identifying the Member's duties and responsibilities to the University.

2.1.2 A Conflict of Interest includes the following:

2.1.2.1 an actual Conflict of Interest, meaning a Conflict of Interest that is actually sufficient to influence the exercise by a Member of his or her duties or responsibilities to the University;

2.1.2.2 a potential Conflict of Interest, meaning a situation where the Member's Personal Interest has not yet conflicted but has the potential or might reasonably be expected to conflict with the Member's duties or responsibilities to the University; or

2.1.2.3 a perceived Conflict of Interest, meaning a situation that might be perceived to be a Conflict of Interest from the perspective of a reasonably well-informed, impartial observer.

2.1.3 The University may set out in its Procedure a non-exhaustive list of situations where a Conflict of Interest is deemed to exist. Regardless, a Member remains obligated to recognize and identify a Conflict of Interest involving their activities even where the situation giving rise to or involving the Conflict of Interest does not fall within such list.

2.2 Disclosing Conflicts of Interest

- 2.2.1 Prior to undertaking any activity that could give rise to a Conflict of Interest, the Member must immediately disclose that activity in accordance with the Procedure. The disclosure must be in writing.
- 2.2.2 The obligation of a Member to disclose is a continuing one and must occur as soon as possible.
- 2.2.3 The obligation of disclosure applies to a Member as soon as knowledge of the Conflict of Interest arises or should arise and continues until the Conflict of Interest ceases to exist.
- 2.2.4 If a Member is uncertain as to whether a Conflict of Interest exists or might exist, the Member shall undertake consultation in accordance with the Procedure.
- 2.2.5 A Member shall not undertake any activity that involves a Conflict of Interest unless it has been disclosed to and approved by the Committee. If the Committee approves an activity on specified terms or conditions, such activity shall be undertaken in accordance with such terms or conditions.
- 2.2.6 Time is of the essence in making a disclosure.
- 2.2.7 Where the Committee requires further information to properly assess a Conflict of Interest, a Member that has or may obtain such information shall promptly and fully obtain and provide such information to the Committee in writing.
- 2.2.8 Where any person is aware of or has reasonable grounds to believe that a Member has not disclosed his or her Conflict of Interest, such person shall raise the Conflict of Interest with the Member's Unit Head.

2.3 Managing Conflicts of Interest

- 2.3.1 The Committee shall assess matters brought to its attention to determine whether a Conflict of Interest should be allowed and, if so, whether it should be subject to terms or conditions. In addition to such other factors and information as the Committee may deem relevant, the Committee may take into consideration the following:
 - 2.3.1.1 the impact of the Conflict of Interest on a Member's ability to meet their duties and responsibilities to the University;
 - 2.3.1.2 the degree to which the proposed activity may be detrimental to the interests of the University or a Member;

2.3.1.3 the degree to which the proposed activity may harm the reputation and/or integrity of the University or a Member;

2.3.1.4 the degree to which the proposed activity may compromise or be seen to compromise the professional judgment of any Member involved in research; and

2.3.1.5 the extent to which the proposed activity can be managed through appropriate mitigation.

2.3.2 The Committee shall assess all matters brought to it for consideration in a timely and fair manner.

2.3.3 The Committee may request such further information from any Member or any other person at the University as it deems appropriate to consider a Conflict of Interest.

2.3.4 The University may set out in its Procedure the specific manner in which particular types of Conflicts of Interest are to be assessed or managed.

3 Conflicts of Commitment

3.1 Prior to undertaking any Outside Activity or external professional, business or personal activity, each Member shall determine whether such activity gives rise to an actual or potential Conflict of Commitment, or could have the appearance of giving rise to an actual or potential Conflict of Commitment. Conflicts of Commitment shall be disclosed and managed in accordance with sections 2.2 and 2.3 of this Policy as if they constituted a Conflict of Interest under such sections.

4 Information and Confidentiality

4.1 The assessment of Conflicts of Interest pursuant to this Policy requires the collection, use, possible disclosure and retention of personal information as defined in the *Access to Information and Protection of Privacy Act, 2015* and the *Privacy Act*. The University will undertake its activities pursuant to this Policy in compliance with those Acts and with other applicable policies of the University.

4.2 Records created as a result of actions taken under this Policy shall be under the management of the Office of the President. Where the Conflict of Interest involves the President, such records shall be under the management of the Board of Regents.

4.3 Disclosures made under this Policy will normally be treated as confidential. However, in order to meet the objectives of the Policy it will sometimes be necessary for the

University to permit persons within the University and, in some circumstances, outside the University, access to information about such disclosures. Reasonable efforts shall be made to advise a Member in writing before disclosures are made to persons outside the University. Notwithstanding this, Members should be aware that disclosure of Conflicts of Interest may be required for other processes of the University, including without limitation research ethics, and such disclosure may occur without the prior consent of the Member.

Related Documents

[Protected Disclosure](#) policy

[Telecommunications](#) policy

[Purchasing](#) policy

[Tangible Asset Administration](#) policy

[Ethics in Research Involving Human Participants](#) policy

[Integrity in Scholarly Research](#) policy

[Gift Acceptance](#) policy

[Memorial University of Newfoundland Procedures Governing The Appointment, Review, Promotion And Tenure of Academic Administrators April 2, 2014](#)

[Terms of Reference - University Conflict of Interest Committee](#)

[Terms of Reference - Marine Institute Conflict of Interest Subcommittee](#)

[Conflict of Interest Disclosure Form](#)

For inquiries related to this policy:

Office of the General Counsel (709) 864-6481.

Sponsor:

General Counsel

Category:

General

Previous Versions:

There is at least one previous version of this policy. Contact the [Policy Office](#) to view earlier version(s)