

DALHOUSIE UNIVERSITY

POLICY ON CONFLICT OF INTEREST

(As adopted by the Senate June 24, 2002, to the extent that it affects academic matters within the purview of the Senate.)

1. PREAMBLE

To maintain public trust and confidence, Dalhousie University must act and be seen to act in accordance with its mission of serving community and society through education, research and professional service.

The activities through which this mission is fulfilled are diverse – and increasingly so. More and more often, they entail interaction between the university’s members and other organizations – public and private; local, regional, national and international.

In this environment, it is inevitable that conflicts of interest will sometimes arise. The purpose of this policy is to set out a mechanism for identifying and addressing potential and actual conflicts of interest, so that the university’s constituencies can be confident that its decisions and actions are untainted by personal interests. It is the ethical and legal 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. In this context, “personal interests” mean the personal, private or financial interests of a university member or a closely associated person or related business. A “closely associated person” means a person related by blood, adoption, marriage, or common law marriage (with a person of the same or the opposite sex) to the university member or a person (of the same or the opposite sex) with whom a university member has an intimate personal relationship.

This policy aims to minimize the occurrence of conflicts of interest and to manage them when they do arise. It does not necessarily prohibit activities which involve a conflict of interest, but rather requires full disclosure and attempts to ensure that a person with a conflict of interest does not decide whether the conflict of interest will be permitted to continue. The policy has three components:

1.1 Recognition

Conflicts of interest must be identified in order to permit their appropriate management. A conflict of interest arises from a particular situation. It does not arise from or reflect upon the character of the individuals involved.

1.2 Disclosure

Conflicts of interest and potential conflicts of interest shall be disclosed in accordance with this policy. In addition, any person who is aware or has reasonable grounds to believe that an undisclosed conflict of interest exists is required to report it.

1.3 Resolution

Conflicts of interest shall be resolved within a framework and with a procedure which attempt to ensure that the best interests of the university and its capacity to fulfill its mission are protected.

2. DEFINITION OF CONFLICT OF INTEREST

A conflict of interest exists where there is a potential or actual divergence between the personal interests of a university member and that member's obligation to uphold the interests and mission of the university.

In a conflict of interest situation, an impartial observer might reasonably question whether actions or decisions taken by the university member on behalf of the university are influenced by consideration of personal interests.

Conflict of interest 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 a contract that may affect a family member's financial interests.
- supervises a graduate or undergraduate student employed by a business in which the university member has a financial interest.
- grades work done by a student to whom the university member is related or with whom he or she has an intimate personal relationship.
- participates in a university recommendation or decision that affects the employment of a partner, spouse or other family member.
- uses university resources 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.

In these examples, the personal interests of the university member may diverge or may reasonably be perceived to diverge from his or her obligations to uphold the university's mission and interests.

3. OTHER DEFINITIONS

Within this policy, the following terms shall be interpreted as follows:

- 1 "business" means 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 for profit or charitable purposes;
- 2 "financial interest" means 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 or benefit from such business 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;

- 3 “personal interests” means the personal, private, or financial interest of a university member or closely associated person or related business;
- 4 “closely associated person” means a person related by blood, adoption, marriage, or common law marriage (with a person of the same or the opposite sex) to the university member or a person (of the same or the opposite sex) with whom a university member has an intimate personal relationship;
- 5 “related business” means a business or society in which the university member or any closely associated person:
 - a) has a financial interest;
 - b) acts as a trustee, director or officer;
 - c) acts in a position as an employee, agent or otherwise which includes responsibility for a segment of the operation or management of a business; or
 - d) acts in a position as an employee, agent or otherwise which includes responsibilities for influencing or determining the scientific direction of the corporation.
- 6 the “administrative head”
 - 6.1 of the President or a Vice-President is an ad hoc committee of the Board of Governors consisting of the Chair of the Board, the Chair of the Operations Committee, and the Chair of the Audit Committee;
 - 6.2 of a Dean is the Vice-President Academic and Provost;
 - 6.3 of a Chair, Head or academic Director is the Dean of that Faculty;
 - 6.4 of the Director or equivalent of an administrative or other non-teaching unit is the Vice-President responsible for that unit;
 - 6.5 of any other university member who is employed at the University:
 - 6.5.1 with a faculty position is the Dean;
 - 6.5.2 in other than a faculty position is the Dean of the Faculty, or the Administrative Director or equivalent of the unit, in which the university member works;
 - 6.6 of a university member who is a student is that student’s Dean;
 - 6.7 of any other person who is not an employee of Dalhousie University or a student is the Vice-President Academic & Provost or the appropriate Dean or Administrative Director as determined by the Vice-President Academic & Provost.
- 7 “university member” means all employees of Dalhousie University including full-time, part-time and student employees, and any other person while acting on behalf of or at the request of Dalhousie University including, but not limited to, members of a university committee, persons giving advice to the university at the request of the university and anyone involved in a university decision-making process.

4. POLICY

A university member shall not participate in an activity or decision that involves an actual or potential conflict of interest unless such activity or decision has been approved in advance by the administrative head responsible for his/her unit of work or study and, if such approval has been given, any terms or conditions made by the administrative head regarding such activity or decision are fulfilled.

5. PROCEDURES

5.1 Disclosure

A university member shall disclose to his or her administrative head any personal interests which are, or may reasonably be perceived to be, in conflict with the university member's obligation to uphold the university's mission and interests. In the case of the President or a Vice-President, disclosure shall be to an ad hoc committee of the Board of Governors consisting of the Chair of the Board, the Chair of the Operations Committee and the Chair of the Audit Committee.

Disclosure to an administrative head shall be made in each of the following circumstances:

- as soon as any situation arises which creates, or has the potential to create, a conflict of interest for a university member;
- in any required annual report of a university member's activities or plans or both;
- where appropriate, at the time of the university member's appointment;
- when requested in writing by an administrative head, Dean, Vice-President or President;
- where otherwise required in accordance with this policy.

Normally, a disclosure of a conflict of interest shall be made in writing.

If a university member is uncertain whether a conflict of interest exists or is likely to exist, he or she shall discuss the situation with the administrative head.

Any person who is aware or has reasonable grounds to believe that an undisclosed conflict of interest exists shall **normally raise the matter with the university member involved in the potential conflict and refer them to this Policy. If the person reasonably believes that this Policy is not being followed by the university member after the issue has been raised with them or that raising the issue with the university member is inappropriate in the circumstances, they shall** report it to the administrative head of the university member involved in the alleged conflict of interest. The administrative head shall discuss the alleged undisclosed conflict of interest with the university member and, if a conflict of interest exists, shall deal with it in accordance with this policy.

5.2 Procedures for Handling General Conflicts of Interest

Subject to the exceptions in paragraphs 5.3, 5.4 and 5.5 below, the administrative head to whom a conflict of interest is disclosed shall decide whether a conflict of interest exists, whether it will be permitted to continue and, if so, under what, if any, conditions.

The administrative head 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 administrative head may take into account the following factors:

- any possible harm to the interests of students, research participants, clients of university services, or others served by the university, should the conflict be permitted to continue.
- any possible harm to the university or its employees, officers or others acting on its behalf if the conflict were allowed to continue.
- whether reasonable alternate arrangements which do not involve a conflict of interest can be made.
- the consequences to the university and its reputation and future activities of not permitting the conflict of interest to continue.
- the consequences to the university and its reputation and future activities of permitting the conflict of interest to continue.
- the educational, research, economic and other interests of the university.

An administrative head may require additional information from the university member and may consult with others before making a decision relating to a conflict of interest. In dealing with some specific types of conflict, administrative heads shall follow the additional guidelines set out in Section 5.3 (Resolution of Particular Types of Conflicts) below.

An administrative head may impose terms and conditions before permitting a conflict of interest to continue. Such terms and conditions will often include disclosure of information concerning the existence of the conflict of interest and/or the administrative head's decision, to individuals potentially affected by the conflict of interest. An administrative head 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 or of its capacity to fulfill its mission.

The administrative head's decision shall be communicated in writing to the university member and may be appealed as set out in Section 9 below. A copy of the decision shall be sent to the University Secretary and Legal Counsel.

A decision concerning an ongoing conflict of interest may be reviewed by the administrative head at appropriate intervals. The original decision may be reversed or varied.

Each year, the President shall present to a committee consisting of the Chair of the Board of Governors, the Chair of the Senate, the Chair of the Board's Operations Committee and the Chair of the Board's Audit Committee for review a summary of the decisions taken with respect to conflicts of interest, together with any recommendations for policy changes.

Any proposed changes in this policy will be considered by the Senate before they are submitted to the Board of Governors for approval.

5.3 Procedures for Handling Particular Types of Conflicts of Interest

In addition to the general policy set out in section 4 above, the following additional guidelines and procedures shall apply to these particular types of conflict of interest:

1. Personal interest in contracts
2. Personal interest in outcome of assessment
3. Teacher-student relationships involving family, business or intimate

- personal relationships
- 4. Personal interest in research project
- 5. Student involvement in research involving a personal interest
- 6. Employment decisions concerning family members or intimates

5.3.1 Personal Interest in Contracts

A university member shall:

- (a) prior to entering into a contract with the university; or
- (b) immediately upon becoming aware of a proposed contract between the university and a closely associated person or related business,

advise his or her administrative head of any actual or potential conflict of interest. If the university member has the ability to influence or determine the university's decision to enter into that contract, he or she is required to withdraw from the university decision-making process. If the contract is entered into, the university member is also required to withdraw from any subsequent university decision-making, review or assessment process relating to the contract. The administrative head may designate an alternate person to replace the university member in any university decision-making, review or assessment process provided that, by doing so, such alternate person is not placed in a conflict of interest position.

5.3.2 Personal Interest in Outcome of Assessment

Personal interests of a university member or a closely associated person which might reasonably be perceived as influencing the university member's review or assessment of research, assignments, papers, examinations, programmes or proposals, or any other evaluation of applications, performance or submissions of another person, unit or group, shall be disclosed to the university member's administrative head prior to such review, assessment or evaluation. Submissions in this context include, but are not limited to, manuscripts, applications for research grant funding, and applications for contract research (whether received directly or through third parties). Where a university member has a personal interest, he or she may only participate in such review, assessment or evaluation when it has been approved in advance by the administrative head. The administrative head may determine that an alternative process or person be used to conduct the review, assessment or evaluation.

5.3.3 Teacher-Student Relationships involving Family, Business or Intimate Personal Relationships

A family, business or intimate personal relationship between a teacher and a student may compromise or be perceived to compromise the teacher's responsibility to instruct, supervise, evaluate and advise students in a fair and effective manner. A teacher must therefore disclose such a relationship to his or her administrative head. (For purposes of this policy, a teacher is any one who is involved in the instruction, supervision or evaluation of students, including, but not limited to, professors, lecturers, instructors, teaching assistants, and supervisors.) For examples, disclosure is required before a university member:

- (a) teaches, supervises or evaluates a student who is a closely associated person;

- (b) shares a financial interest with one of his or her students (i.e., a student whom he or she is teaching, supervising or evaluating);
- (c) acts as a researcher, employee, consultant or advisor for one of his or her students in connection with activities unrelated to the student's academic programme.

Teachers in these situations shall not participate in instruction, supervision, evaluation or advice of the student, unless such participation has been approved in advance by the university member's administrative head. Any such participation shall be subject to any conditions set by the administrative head. Normally in such situations, alternative instruction, supervision, evaluation or advice is expected to be arranged by the administrative head.

Teachers should recognize that an intimate personal relationship with one of their students may constitute, or give rise to a subsequent claim that the relationship constituted sexual harassment. Such relationships are therefore discouraged.

5.3.4 Personal Interest in Research Project

An administrative head to whom a conflict of interest involving research is disclosed shall refer the matter to the Vice-President (Research). The Vice-President (Research) shall decide whether to approve or prohibit the university member's participation in the project and, if participation is approved, under what conditions, if any. The Vice-President may strike an ad hoc committee to advise him or her on the case and/or may consult with others. An ad hoc advisory committee shall normally consist of the following.

- the Vice-President (Research) who shall chair the committee,
- the Dean of the university member's Faculty where the research is to be undertaken,
- the Dean of another Faculty which is unrelated by discipline to the Faculty from which the matter arises,
- one other university member from the Faculty in which the matter arises,
- if any graduate students or post-doctoral fellows are to be involved, the Dean of Graduate Studies or his or her designate.

The decision of the Vice-President (Research) will be communicated to the administrative head and the university member in writing.

5.3.5 Student Involvement in Research Involving a Personal Interest

A university member must disclose to his or her administrative head plans to involve a graduate student or post-doctoral fellow in research activities in which a university member has a personal interest. The prior approval of the Dean of Graduate Studies is required for any such involvement. Prior approval of the Dean of the Faculty in which an undergraduate student is registered is required for the involvement of such a student in research activities in which a university member has a personal interest.

5.3.6 Employment Decisions Concerning Family Members or Intimates

A university member shall not participate in decisions concerning the employment (i.e., hiring, termination, evaluation, promotion, compensation or other benefits) of a closely associated

person at the university or with funds administered by the university.

5.4 Use of University Resources and Name

Except as stated below and subject to any applicable collective agreement, a university member shall not use university resources for any purposes other than the education, research, and service missions of the university other than in a purely incidental way, unless specifically permitted pursuant to applicable university rules and regulations. University resources include space, facilities, equipment, supplies, other types of property, staff members, services and confidential information.

Although university space or facilities are not normally made available to the private sector, a contract entered into with the university which has been approved by the Vice-President (Finance and Administration) may provide for the use of space and/or facilities by a university member or closely associated person or related business if:

- full disclosure has been made by the university member to his or her administrative head and to the Vice-President (Finance and Administration); and
- the space or facilities are readily available and their proposed use does not hinder the functions or activities of other university members; and
- the contractual arrangements for the use of space or facilities are negotiated formally by the university's department of Facilities Management (or, if appropriate, Housing, Conference and Ancillary Services, or Dalplex) and such arrangements are approved in writing by the university member's administrative head. If such space or facilities are located in premises of a different department or Faculty, the appropriate Chair or Dean must approve the arrangement, as well.

Subject to any applicable collective agreement, a university member shall not purport to speak on behalf of the university unless authorized to do so. Nor may a university member use the university's name or letterhead in connection with extra professional activity or other activities outside the university, unless this has been approved in advance by his or her administrative head.

5.5 Use of Information for Personal Gain

A university member shall not use university information (including, but not limited to, information about the university's students, personnel, finances, contractual arrangements and plans) acquired as a result of university-related activities to advance his or her personal interest, unless the information is in the public domain.

6. IMPLEMENTATION

The university may develop guidelines to assist in the administration of this policy.

7. ACCESS TO DISCLOSURES/OTHER DISCLOSURES

Subject to section 5.2 above, 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, persons outside the university, access to information about such disclosures. Reasonable efforts shall be made to advise the university member in

writing before such disclosures are made available to persons outside the university. Disclosures may be made available to third parties when required by university or statutory regulation (including Freedom of Information/Protection of Privacy) or by due process of law.

University members should be aware that disclosure of conflicts of interest may be required for other university processes. For example, whenever a university member is engaged in research which involves a conflict of interest, it might be necessary or appropriate for the member to disclose the conflict to a University Ethics Committee which is reviewing the research. This would be especially important where the conflict might adversely affect the research design or subjects of the research. In addition, university members may voluntarily disclose to others any conflict of interest involving themselves and the decision relating thereto that previously has been disclosed by the university member pursuant to this policy.

8. COMPLIANCE

The intent of this policy is to assist the university in the management of conflict of interest situations before they arise or when they become known. The university expects that its members will comply fully with this policy, including all requirements for disclosure. Failure to do so shall constitute grounds for disciplinary action in accordance with any applicable collective agreement, employment contract, Code of Student Conduct, or other applicable disciplinary process.

9. APPEALS

Any university member who is not satisfied with a decision relating to him or her made by an administrative head under this policy may appeal the decision within **fourteen** days of receiving written notice of **the decision**. **The university member shall submit** a written statement outlining the grounds of appeal and the reasons therefor, together with any relevant documentation, to the administrative head of the administrative head who made the decision. **If the university member reasonably believes that the administrative head to whom the appeal will normally be directed was previously involved in the decision or might otherwise be biased in considering the appeal, the university member may submit the appeal to the administrative head of that person as defined in section 3.6.** If the appeal is of a decision of the ad hoc committee of the Board, it shall be made to the Board of Governors. The administrative head receiving the appeal shall make a final decision, normally within thirty days, but he or she may extend that time **upon giving notice to the appealing university member** if it is desirable to consult with others or consider the matter further before making the decision. An appeal decision shall be in writing and shall be binding on the university member.

10. EFFECT ON COLLECTIVE AGREEMENTS

Nothing in this policy shall be construed as limiting any right of grievance or arbitration that exists under an applicable collective agreement.

11. BOARD OF GOVERNORS

The Board of Governors established a Conflict of Interest Policy in 1988 (1988 Policy) which applies to members of the Board of Governors when attending meetings of the Board or Committees thereof. Except for such meetings when the 1988 Policy applies, this Policy on Conflict of Interest shall apply to any member of the Board of Governors who is acting as a “university member” under the Policy.