

Approval Date: November 16, 2009

Parent Policy: [Conflict Policy - Conflict of Interest & Commitment, and Institutional Conflict](#)

## Conflict of Interest and Conflict of Commitment Reporting and Assessment Procedure

<b>Office of Administrative Responsibility:</b>	Faculty Relations
<b>Approver:</b>	Board of Governors
<b>Scope:</b>	Compliance with University procedure extends to all members of the University community.

### Overview

A **person** will comply with the University's **conflict** policy and will review it regularly and be familiar with the University's definitions of conflict.

### Purpose

To clarify reporting requirements for existing or potential conflict, whether it is actual or perceived, and to outline the process for assessing conflict in order to make informed and sound decisions pertaining to matters of **conflict of commitment** and **conflict of interest**.

## PROCEDURE

### 1. REPORTING BY A PERSON

- a. A person engaging in an activity or situation that involves either existing or potential conflict shall report the conflict so that it may be assessed and, where appropriate, managed.
- b. A person shall not engage in, or continue, the activity or situation until the University has assessed whether the conflict is permitted and, if so, how the conflict will be managed.
- c. In accordance with this procedure, a person will self-assess and report activities or situations that may involve actual or perceived conflict and will complete a **disclosure report** and submit it to a **reporting officer**.
- d. The following persons are required to complete a disclosure report on an annual basis, according to a 12-month in-the-future reporting period:
  - i. **academic staff** under the Faculty Agreement or Librarian Agreement or Faculty Service Officer Agreement or Administrative and Professional Officer Agreement;
  - ii. **support staff** who make financial or hiring decisions or who may have a research-related conflict;
  - iii. **other staff** who make financial or hiring decisions;
  - iv. other staff employed in a department, office or unit which has as its primary function the creation of legal relationships with individuals or entities that are not part of the University;
  - v. other staff who have the authority to enter into contracts or commitments on behalf of the University;

vi. other staff who, as part of normal duties, have regular formal contact with individuals or entities that are not subject to the conflict policy;

vii. A person who may have a research-related conflict.

e. Notwithstanding the requirements outlined in 1.b. of this procedure, the University has the discretion to require additional persons to complete a disclosure report on an annual basis, according to a 12-month in-the-future reporting period, or on a case-by-case basis.

f. Any time there is a change in material facts that were disclosed in a disclosure report, a **reporting individual** must submit a revised disclosure report immediately.

g. A reporting officer will:

i. solicit and monitor the submission of disclosure reports from those persons who they anticipate receiving a disclosure report;

ii. send second notice date-specified requests for a disclosure report to persons from whom he or she would anticipate receiving a disclosure report; and

iii. refer to a **conflict review officer** in instances where an expected disclosure report has not been submitted.

h. The failure of a reporting officer to solicit a disclosure report does not release a person from his or her obligation to disclose existing or potential conflict.

## 2. ASSESSMENT BY A REPORTING OFFICER

a. A reporting officer will receive disclosure reports from reporting individuals and will assess the information that has been provided in the disclosure report in accordance with this procedure.

b. If the reporting officer has a **financial benefit** or **financial interest** or **personal benefit** in the considerations being assessed, the reporting officer will refer the disclosure report to the next appropriate senior reporting officer who will assume the role of reporting officer or assign an alternate.

c. Where an existing or potential activity or situation is assessed for an actual or perceived conflict and where it is determined that there is:

i. no conflict, the reporting officer will contact the reporting individual to indicate that he or she is free to proceed with the activity or engage in the situation.

ii. a conflict and the activity or situation does not sufficiently serve the interests of the University or is not appropriately manageable or not able to withstand the test of reasonable and independent scrutiny, the conflict will not be allowed and the reporting officer will contact the reporting individual to indicate that he or she is not free to proceed with, or continue to engage in, the activity or situation.

iii. a conflict and the activity or situation can be managed as an **allowed conflict**, a suitable method of monitoring and managing the allowed conflict will be determined and implemented before the reporting individual is free to proceed with, or continue to engage in, the activity or situation.

## 3. MANAGEMENT OF ALLOWED CONFLICT

When an activity or situation can be managed as an allowed conflict, the reporting officer will:

a. Work with the reporting individual to settle on the terms and conditions under which an activity or situation associated with an allowed conflict will be conducted and managed;

- b. Ensure documentation of any outcome in a Memorandum of Agreement (form attached);
- c. Ensure the term, conditions, and management of an activity associated with an allowed conflict is consistent with the Freedom of Information and Protection of Privacy Act and other legislation and University policy relevant to that activity;
- d. Administer or delegate the on-going monitoring and management of allowed conflict;
- e. Document all related matters and maintain records;
- f. Refer unresolved matters to a conflict review officer appropriately; and
- g. Keep senior officers of the University appropriately apprised.

In all instances of conflict involving research, the disclosure form should be submitted to the individual's reporting officer who will then consult with the Dean, Vice-President (Research) and Office of Faculty Relations as appropriate.

#### 4. REFERRAL PROCESS

- a. In the case of conflict of commitment, it is expected that the reporting individual and the reporting officer will come to an agreement; however, in the event that this is not possible, the position of the reporting officer is final and will stand as the University's position on the matter.
- b. In the case of conflict of interest, the reporting individual and reporting officer need to first agree on whether the conflict considerations warrant an allowed conflict or not and, where applicable, on the method by which an allowed conflict is to be monitored and managed. If agreement cannot be reached, the matter is to be referred by the reporting officer to a conflict review officer or **conflict review committee**.
- c. The conflict review officer or conflict review committee will work with the reporting individual and reporting officer in an effort to reach an agreeable outcome and will ensure documentation of any outcome in a Memorandum of Agreement (see forms section below). If an agreeable outcome cannot be reached, the conflict review officer or conflict review committee will render a decision which shall be final and binding.

#### 5. CONFLICT REVIEW COMMITTEE MEMBERSHIP

- a. For conflict involving research activity:
  - i. Chair, appointed by the Vice-President (Research);
  - ii. One representative of the Research Services Office;
  - iii. One academic staff member, appointed by the Vice-President (Research); and
  - iv. Two members-at-large, appointed by the Provost and Vice-President (Academic).

Within the overall membership, it is recommended that there be one member with legal expertise and one with previous conflict resolution experience.

- b. For conflict involving non-research activity:
  - i. Chair, appointed by the Provost and Vice-President (Academic);
  - ii. One staff member appointed by the Vice-Provost and Associate Vice-President (Human Resources); and

iii. Two members-at-large, appointed by the Vice-Provost and Associate Vice-President (Human Resources).

Within the overall membership, it is recommended that there be one member with legal expertise and one with previous conflict resolution experience.

## 6. NON-COMPLIANCE CONSTITUTES MISCONDUCT

Non-compliance constitutes misconduct. In the event of non-compliance, the University may initiate actions under applicable collective and other agreements or University Policy.

### **DEFINITIONS**

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. <a href="#">[▲Top]</a>	
<b>Person</b>	Includes academic staff, support staff, other staff, students, post-doctoral fellows, members of the Board of Governors, a person's corporation, and any other individual who has a contractual or fiduciary relationship with the University or an institution.
<b>Conflict</b>	conflict of commitment and conflict of interest. In all cases, conflict includes actual or perceived conflict.
<b>Conflict of Commitment</b>	A situation whereby the external or personal activities, undertakings or relationships of a person are so demanding or organized in such a manner or are otherwise such that they may interfere with the person's obligations to the University or to others or institutions that are separate from the University but to whom the person owes an obligation because of their relationship to the University.
<b>Conflict of Interest</b>	A situation in which there is or may be perceived to be a divergence between the private financial benefit or financial interest of a person, a <b>family member</b> , or an <b>outside party</b> , and that person's obligations to the University, such that an impartial observer might reasonably question whether related actions to be taken or decisions made by the person would be influenced by consideration of the person's own interests.
<b>Disclosure Report</b>	A report that discloses conflict-type specific considerations relevant to deciding whether a person wishing to proceed with an activity that would or may give rise to conflict should be allowed to undertake that activity.
<b>Reporting Officer</b>	For any person, the holder of the office to whom the person reports or who has supervisory responsibility over the reporting individual.  Specifically, for example:  - for the Chair of the Board of Governors, the Audit Committee of the Board of Governors.  - for members of the Board of Governors, the Chair of the Board of Governors.  - for the President, the Chair of the Board of Governors.  - for a Vice-President, the President.  - for a Deputy Provost or a Vice-Provost, the Provost and Vice-President (Academic).  - for an Assistant or Associate Vice-President, the appropriate Vice-

	<p>President.</p> <ul style="list-style-type: none"> <li>- for a Dean of a Faculty and the Chief Librarian, the Provost and Vice-President (Academic).</li> <li>- for an Associate Dean or Vice-Dean, the Dean.</li> <li>- for a Chair of a Department, the Dean.</li> <li>- for the Director of an administrative unit or equivalent, the Vice-President responsible for that unit.</li> <li>- for support staff, the holder of the office to whom the support staff reports or who has supervisory responsibility over the support staff; however, the reporting officer for a support staff will not be another support staff.</li> <li>- for academic staff of a Faculty with departments, the Chair.</li> <li>- for academic staff of a Faculty without departments, the Dean.</li> <li>- for a post-doctoral fellow, the supervisor of the post-doctoral fellow.</li> <li>- for a graduate student, the student's supervisor or supervisory committee.</li> <li>- for a staff member of a centre or institute, the person within the University responsible for that centre or institute.</li> </ul>
<b>Academic Staff</b>	An employee of the Board of Governors who, as a member of a category of employees or individually, has been designated as an academic staff member by the Board of Governors.
<b>Support Staff</b>	An employee of the University who is a member of, and pays dues to, the Non-Academic Staff Association (NASA).
<b>Other Staff</b>	Those employed by the University on a part or full-time basis, who are not academic staff or support staff, whether or not they are part of a bargaining unit.
<b>Reporting Individual</b>	A person required to report in accordance with this procedure.
<b>Conflict Review Officer</b>	According to those relationships detailed in the disclosure report, the next appropriate senior reporting officer.
<b>Financial Benefit</b>	The receipt or expectation of anything of monetary value, including pay or salary or other payments for services (e.g. consulting fees or honoraria), equity (shares, options or the like) security or other ownership interests, and intellectual property rights (e.g. patents, copyrights, royalties or carried interests or options related to such rights).
<b>Financial Interest</b>	<p>(A) Ownership in the form of shares in a privately held company or</p> <p>(B) ownership in a publicly traded company in the form of shares with a market value of greater than \$50,000.00 or representing more than 10% of the company's outstanding shares or (C) where the person is a member of a board of either a privately held or publicly traded company.</p>
<b>Personal Benefit</b>	The receipt or expectation of any personal (workplace or otherwise) benefit of a non-monetary value.

<b>Allowed Conflict</b>	Conflict that can be managed in a way that is compliant with legislation, considers, protects and serves the interests, integrity and reputation of the University, and will withstand the test of reasonable and independent scrutiny.
<b>Conflict Review Committee</b>	A committee established in accordance with this procedure.
<b>Family Member</b>	Includes a person's spouse or adult interdependent partner or another individual to whom the person is related by blood, marriage or adoption.
<b>Outside Party</b>	Includes any corporation, partnership, sole proprietorship or other legal entity organized for the furtherance of a non-University interest (for profit or otherwise) and clients or patients to whom the person or the University provides individual professional services.

## **FORMS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

[Allowed Conflict – Memorandum of Agreement Form](#)

[Disclosure Report for Conflicts of Commitment and Interest](#)

## **RELATED LINKS**

Should a link fail, please contact [uappol@ualberta.ca](mailto:uappol@ualberta.ca). [[▲Top](#)]

[Conflict of Interest and Conflict of Commitment Sample Scenarios](#) (University of Alberta)