

RESEARCH AND COMMERCIALISATION CONFLICT OF INTEREST: POLICY AND GUIDELINES

The policy and procedures documented herein have been prepared by National University of Ireland Maynooth (“NUIM”) in the context of ensuring the highest standards of practice in its educational mission and research integrity.

National University of Ireland Maynooth



NUI MAYNOOTH
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Universities and their employees engage in a wide range of activities. The traditional academic roles, such as teaching and supervising students and conducting grant-funded academic research, are nowadays often supplemented by commercial collaborations including consultancy, commercial research and development, intellectual property licensing and involvement in 'spin-out' companies.

In general, NUIM expects individual Departments and academic staff to conduct teaching activities to the highest standards and to develop their own balanced 'portfolio' of activity, including external collaborations of one kind or another. However, by engaging in such external activities, employees place themselves in a difficult position in which an outside interest may conflict, or appear to conflict, with their NUIM duties.

The employee may then be open to suspicion that decisions they take as a NUIM employee are influenced by personal interest – even when, as is almost universally the case, the employee is acting with neutrality and complete professional integrity.

In the vast majority of cases simple disclosure of a potentially conflicting external activity is sufficient to absolve the employee of suspicion.

Occasionally NUIM may suggest a different way of managing an activity that avoids the conflict of interest. In extreme cases the conflict of interest may be so fundamental and unmanageable that it is necessary to restrict one or other of the employee's conflicting activities.

The purpose of this 'Conflict of Interest: Policy and Guidelines' is to:

- **Present a definition of Conflict of Interest,**
- **Highlight and illustrate potential conflict situations, some of which are not obvious,**
- **Set out NUIM policy regarding procedures to be followed in situations of potential conflict of interest.**

The most important message in the document is that NUIM employees should always disclose an activity if they are in doubt about whether it represents a conflict of interest. This document describes the way in which such disclosure should be made at the time (i.e. before engaging in the activity). The fact that NUIM has adopted such a Policy does not in any way cast doubt on the integrity of NUIM employees.

Rather it recognises that NUIM wishes to give a great deal of freedom to employees to engage in external activities, but in so doing needs to put in place a mechanism to protect its employees, and itself, from reputational damage and other liabilities. While acknowledging those freedoms, it should be noted that failure of a staff member to make an appropriate declaration or to comply with these Guidelines may result in a disciplinary process.

This 'Research and Commercialisation Conflict of Interest: Policy and Guidelines' should be read in conjunction with all other relevant existing policies and procedures of NUIM. This policy does not absolve, in any way, obligations that staff may have to submit a disclosure of interest to the Standards in Public Office Commission to comply with the provisions in the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001



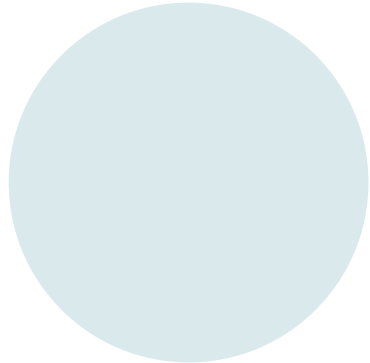
I. Background

Conflicts of interest can arise when the interests of a commercial venture, from which a NUIM employee derives direct benefit, differ from the interests and primary obligations of NUIM as a whole, or when the commercial venture consumes an undue share of the employee's attention. NUIM believes it to be essential that its employees should manage or avoid, and be seen to manage or avoid, such conflicts. Many funding agencies, in Ireland and elsewhere, are now seeking assurance that universities are properly managing conflicts as a condition of grant funding.

This document ("Conflicts Policy") sets out NUIM's policy and provides some practical guidelines to its employees on how they should manage potential or actual conflicts of interest. The Conflicts Policy applies to all staff engaged in research or commercialisation activity.

Whilst this document describes and provides guidelines for many of the situations in which conflicts occur, it is not meant to be exhaustive. The primary obligation rests with the employee to recognise situations in which he or she potentially has a conflict of interest and to disclose and discuss that conflict with their Head of Department.

In such circumstances, employees are required to complete the Declaration of Potential Conflict of Interest form. The full prior disclosure of interests is an important (and in many cases sufficient) mechanism for the management of conflicts of interest.



II. Types of Conflicts

It is the policy of NUIM that its staff have the obligation to manage or avoid ethical, legal, financial, or other conflicts of interest, and to ensure that their activities and interests do not conflict with their obligations to NUIM or its welfare. The term “conflicts of interest” as used in this document includes conflicts of duty, rights, obligations, interests and similar conflicts, whether as an individual or as a representative of NUIM.

A working definition of “conflict of interest” is:

“A conflict between the private interests and the official responsibilities of a person acting on behalf of, or employed by, NUIM or any of its subsidiaries”.¹

The damage caused by such conflicts can be considerable, whether the conflict of interest exists or appears to exist. For this reason, an explicit conflict of interest policy does not infer any lack of trust in or loyalty of academic colleagues. Rather, it is a mechanism for protecting NUIM employees against criticism or compromise by ensuring that they recognise and disclose such conflict situations and take steps to avoid and manage them.

¹ Private interests include not only financial gain but also for example desire for professional advancement, or wish to do favours for family.

The main categories of conflict of interest (discussed in more detail below) are:

- **Educational Mission (especially in regard to supervision, assessment and teaching)**
- **Research Integrity**
- **Conflicts of Commitment and Loyalty**
- **Financial Conflicts**

The need for a comprehensive policy has been made more acute by the increasing tendency to form spin-out companies, license intellectual property and other activities related to bringing research to market. Employees often have multiple roles in such companies, for example as a director, shareholder and consultant. Fulfilling these multiple roles in the company can create (or appear to create) a conflict with the employee’s primary obligations and allegiance to NUIM. This Conflicts Policy addresses conflicts involving spin-out companies as well as other situations where conflicts may arise and which are generally covered in the NUIM Staff Code of Conduct and other specific policies.





Other general examples include:

- a) The involvement of a staff member in developing or examining any continuous assessment, examination paper, coursework, laboratory exercise, dissertation or any similar examinable activity where a **personal relationship** with an examinee exists (this is covered by NUIM policy on staff-student relationships),
- b) Access to **confidential information** or the ability to adapt or change this information relating to a staff member, family member, relative, friend or acquaintance,
- c) The use of the University's research or administrative facilities to pursue **personal business, commercial or consulting activities,**
- d) Any **attempt to restrict rights** governing the timing and contents of publications, save in circumstances approved by the University to protect privacy, commercially sensitive proprietary information and patentable inventions,
- e) Involvement in externally-funded activity that might **infringe the right of a student** engaged in the activity to complete the degree for which he or she is registered and/or to publish freely or seek patent protection for his or her findings,
- f) A **financial interest** held by an individual in an external enterprise engaged in activities closely related to that individual's line of research in the University,
- g) A **personal involvement** in any company which is in, or in the process of negotiating, a contract with the University,
- h) Over-dependence on a particular company for research funding – which may result in that company either **formally or informally influencing** the direction of the research or dissemination of results.

These categories are intended to be illustrative and not exhaustive.

III. NUIM policy

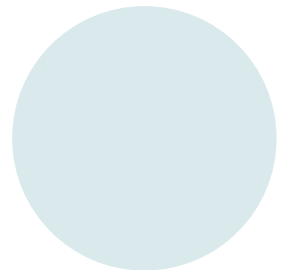
NUIM is committed to the principle that its employees' activities should not give rise to situations in which employees have, or appear to have, harmful conflicts of interest. At the same time, NUIM recognises that policies that seek to eliminate all potential conflicts could also prevent many of the activities (e.g. research commercialisation) that universities now wish to encourage. Accordingly, rather than seek to prohibit all activities that might give rise to a conflict of interest, this Conflicts Policy provides for a three-fold approach:

- **Always disclose in writing the potential conflicts of interest to the designated person,**
- **Manage the conflict wherever possible,**
- **Prohibit the activity when necessary to protect the public interest or the interest of NUIM.**

In the instance of a potential conflict of interest, the key goal is to segregate the decision-making about the *financial* activities and the *research/teaching* activities, so that they are separately and independently managed.

NUIM is particularly concerned to ensure that its employees' activities do not create conflicts in the areas of NUIM's Educational Mission and Research Integrity, as these areas are considered to be of fundamental importance to NUIM as an institution dedicated to teaching and research.

On occasions, NUIM itself may be involved in an activity in which an NUIM employee has a potential conflict of interest. For example, NUIM may own shares in a spin-out company in which an NUIM employee also owns shares. Depending on the circumstances, the NUIM employee's shareholding may give rise to a conflict of interest. Employees should be aware that the fact that NUIM may benefit from an activity (e.g. as a shareholder) does not in any way mitigate or reduce the employee's obligations under this Conflicts Policy.



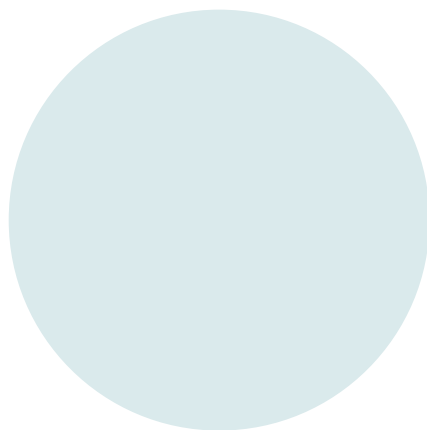
IV. Managing Potential Conflict of Interest

In all cases, the employee must disclose in writing and discuss any potential conflicts with their Head of Department / Faculty:

(a) Prior to the commencement of the commitment

(b) When circumstances change in a way that give rise to conflict.

In the course of considering cases of conflict of interest or potential conflict of interest, the Head of Department or Faculty will consult with the VP Research, the Bursar, the Human Resource Director, the Director of Commercialisation or other university senior management, as appropriate. Failure of a staff member to make an appropriate declaration or to comply with these Guidelines may result in the Disciplinary Procedure being implemented.





Specific Duties of Heads of Departments and Research Institutes

1. To respond to requests for advice from a member of their staff as to whether a conflict of interest exists or may exist, as defined in the NUIM 'Conflicts of Interest: Policy and Guidelines' and how it might best be managed. In cases of uncertainty the Head may consult with the VP Research for guidance in the first instance.
2. To consider for approval all cases involving the proposed supervision of a sponsored student by a staff member with a significant financial interest in the sponsoring organization.
3. To consider any cases in relation to a member of their staff involving conflicts of research integrity if a particular research project were to be accepted. The case should be submitted to the relevant University Ethics Committee for consideration. Ethical approval must be granted before a contractual arrangement is agreed.
4. To consider for approval any cases where a member of staff's proposed relationship with another organisation creates a conflict of interest.
5. To consider appropriate measures in cases where a personal relationship exists between a staff member and an examinee that may give rise to a conflict of interest.
6. To consider any instances where a potential conflict of interest may exist and take appropriate measures to protect the employee and NUIM.
7. To ensure that a written record is made of the reported potential conflict of interest and how the issue was dealt with. A copy of the report should be forwarded within two weeks to the VP Research.
8. In the instance where the potential conflict involves a Head of Department or Research Institute, Dean of a Faculty or another senior officer of the University, that staff member must disclose in writing and agree management of any potential conflict with the VP Research.
9. In the instance where the potential conflict involves the VP Research, the VP must disclose in writing and agree management of any potential conflict with the President.



**NUI Maynooth
Declaration of Potential Conflict of Interest**

Name of staff member:

Position:

Department and Faculty:

**Describe the nature of the potential conflict, the external party
(if appropriate), the relationship and the personal interest:**

I acknowledge the NUIM policy on Conflict of Interest and declare the above interests.
I confirm that I have no other activities, responsibilities or ownership entitlements that
might lead to a conflict of interest situation.

Signature:

**Signature
(Head of Department or VP Research)**

Position:

Date:

Research and Commercialisation
Conflict of Interest Policy





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