



**SIMON FRASER UNIVERSITY  
Policies and Procedures**

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## **Conflict of Interest**

### **PREAMBLE**

Simon Fraser University is committed to academic freedom and to excellence in teaching and research. As a place of learning, the University encourages its faculty, staff and students to be broadly involved in professional interests and activities compatible with the University's mission, values and commitments. Occasionally, the best interests of the University and the personal interests of its Members may conflict, or may be perceived to conflict.

To maintain public and professional trust and confidence, the University must deal with real or perceived conflicts of interest (COIs) in a fair, open, consistent and practical way. Rather than taking a rigid approach, the University prefers to assess COIs on an individual basis and to manage conflict, where appropriate.

To that end, this Policy sets out a mechanism for identifying and addressing conflicts of interest, whether real or perceived, so that the University and its external constituencies can be confident decisions and actions are not inappropriately influenced by private interests. At the heart of this Policy is the duty of each Member to assess his or her own activities and to report any real or potential conflicts of interest as prescribed in this Policy and its accompanying Procedures.

Assessing conflict requires the collection, use, disclosure and retention of personal information as defined in BC's *Freedom of Information and Protection of Privacy Act*. The University will conduct this and other conflict-related activities in compliance with the *Act*.

### **1. PURPOSE**

**1.1** The purposes of this Policy are:

- a. To set out the University's position on real, perceived and potential conflicts of interest (including conflicts of commitment); and
- b. To require that conflicts, real or perceived, must be disclosed and appropriately considered. Where a conflict is deemed to exist, it will either be permitted with proper management, or disallowed.

### **2. SCOPE**

**2.1** This Policy applies to all Members of the University.

### **3. DEFINITIONS**

**Conflict of interest:** Conflicts of interest are real, perceived or potential situations in which an impartial observer might reasonably question whether actions or decisions taken by the Member on behalf of the University are influenced by considerations of private interest to the disadvantage of the University. In the research context, a conflict of interest includes a situation where financial or other personal considerations may compromise, or have the appearance of compromising, an investigator's professional judgment in conducting or reporting research.

**Conflict of commitment:** A conflict of commitment occurs where the external or personal activities and undertakings of a University Member are, or might reasonably be perceived to be, so substantial as to interfere with the Member's primary commitment to the University.

**Reviewer:** The University Officer or Research Ethics Board responsible for reviewing in detail a disclosed conflict of interest, assessing the nature of the conflict, determining an appropriate course of action for addressing the disclosed conflict, and issuing a written report on the assessment and its outcome. See Conflict of Interest Disclosure Procedures.

**Member:** Any person who teaches, conducts research, or works at or under the auspices of the University and includes, without limitation, any person acting in his or her capacity as full- or part-time faculty, staff or student, clinical or adjunct faculty, education associate, post-doctoral fellow, research assistant, and any other persons while they are acting on behalf of or at the request of the University.

**Family Member:** A person related to the Member by blood, adoption, marriage or common-law marriage, or with whom a Member has a close personal relationship; it may also include an individual with whom a University member has had such a relationship.

**Financial interest and financial benefit:** The receipt or expectation of anything of monetary value, including pay or salary or other payments for services (e.g., consulting fees, bonuses, speaker's fees, advisory board remuneration, finders or recruitment fees, or honoraria), equity interests (stocks, stock 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).

**Student:** Includes all graduate and undergraduate students and post-doctoral appointments.

**Outside Activity:** Any activity outside a Member's scope of work with the University that involves the same specialized skill and knowledge that the member uses in his or her work with the University and includes the operation of a Business, consulting or advisory services and speaking engagements.

#### 4. POLICY

**4.1** Where a potential conflict of interest arises, it must be immediately disclosed by the Member involved; it may be necessary that the activity be placed on hold pending assessment. The Conflict of Interest will be assessed in a timely, fair and open manner by the University.

**4.2** A conflict is to be allowed only when it can be managed in a way that protects and serves the interests, integrity and reputation of the University, as well as its legal and contractual obligations, and will stand the test of reasonable and independent scrutiny.

**4.3** For the purposes of this Policy, Conflict of Commitment is a form of Conflict of Interest.

**4.4** Non-compliance with this Policy and its associated procedures constitutes misconduct and may be pursued under the applicable collective agreement or University Policy. The University reserves the right to recover any profit or financial benefit achieved by a Member as a result of non-compliance.

#### 5. ILLUSTRATIONS OF POTENTIAL CONFLICTS OF INTEREST:

The following list illustrates situations that may lead to an indirect or direct conflict of interest:

*Interest in a Concern:* Ownership by a Member or by a Family Member of a substantial financial interest in any concern with which the University does business, directly or indirectly, or which is seeking to do business with the University.

*Interest in a Transaction:* Representing the University in any transaction in which the Member or a Family Member has a substantial financial or other interest, or in which the Member or a Family Member represents the other party.

*Faculty/student relationships:* Entering into an intimate personal relationship, or into a financial relationship outside the normal scope of research or teaching assistantships, between a faculty Member and a student with whom the Faculty Member has an evaluative role.

*Inappropriate Use of Information:* Using for personal gain privileged or confidential information acquired as a result of the Member's University-supported activities, or passing such information to those not authorized to receive it. Such information might include knowledge of forthcoming developments requiring the selection of a contractor or sub-contractor or bulk purchases. Other examples of misuse include unreasonably delaying publication of research results (e.g., thesis research), or the premature announcement of research results for personal gain.

*Gifts or Gratuities:* Receiving inappropriate gifts or financial considerations. Examples of inappropriate and unacceptable gifts would be merchandise, cash or gift certificates in any amount, excessive entertainment or other substantial gifts of goods or services. Accepting a gift or a loan on preferential terms from a concern with which the University does business, or which is seeking to do business with the University. Loans from financial institutions on customary terms; articles of nominal value normally used for sales promotion purposes, ordinary business meals or reasonable entertainment consistent with local social or business customs are acceptable and do not pose a conflict of interest.

*Rendering of Services to Other Concerns:* Rendering of managerial, consultant or any other substantial services to any concern, including services as a director where not specifically authorized by the University, and particularly, where said services are provided on a fee-for-service or contractual basis.

*Full-Time Service:* Engaging in outside business or employment activities that are incompatible with the University's right to full-time and efficient service from its Members. Situations with respect to part-time Members will be dealt with according to their specific circumstances and within the spirit and intent of this Policy.

*Use of Position to Influence Others:* Using one's position with the University to influence any other concern in its dealings with other parties for the personal profit or advantage of any person. Using one's academic or administrative position to create an inappropriate advantage for a Family Member.

*Favouring Outside Interests for Personal Gain:* Entering in to a research contract with a company in which the Member, or a Family Member, has a financial or other interest. Directing the Member's government-sponsored research program to serve the research or development needs of a private firm in which the Member has a financial or other interest. Entering into a licensing agreement for the development of intellectual property, generated as the result of University research with a company in which the Member has a financial or other interest.

*Inappropriate Use of University Personnel, Resources or Assets:* Using University students or staff to carry out work on behalf of a company in which a Member has a financial or other interest. Using University resources or facilities without reimbursement to benefit a private concern in which the Member has a financial or other interest.

*Inappropriate Involvement in the Appointment Process:* Participating in the appointment, promotion or hiring of a Family Member.

*Running for or serving in public office:* Seeking a nomination, running for, or serving in public office may constitute a conflict of commitment. See Policy GP 2 (Political Leave).

## **PROCEDURES ESTABLISHED UNDER THIS POLICY**

[Conflict of Interest Reporting and Assessment Procedure](#)

[Procedures Pertaining to U.S. Public Health Services Grants](#)

### **Appendix I**

This Policy should be read in conjunction with the following University Policies:

A 30.01 Code of Faculty Ethics and Responsibilities

A 30.04 Outside Activities Policy

GP 2 Political Leave  
R 10.01 External Research Grants and Contracts  
R 60.01 Integrity in Research and Misconduct in Research

Records created as a result of actions under this Policy will be managed in accordance with a Records Retention Schedule and Disposal Authority (RRSDA). The University Archivist is responsible for approving all RRSDAs.

## **Appendix II**

[Conflict of Interest Disclosure – Flow Chart](#)