



S.07-68
(For Information)

MEMO

Vice President, Legal Affairs

ATTENTION Dr. Michael Stevenson	TEL 604-291-4641
FROM Judith A. Osborne	
RE Draft Conflict of Interest Policy	
DATE March 8, 2007	TIME 9:37 AM

The attached draft policy on Conflict of Interest and its associated documents are intended to meet the requirements set out in Schedule 14 of the Tri-Council Agencies Memorandum of Understanding. The MOU states that maintaining public confidence in research, and in the agencies and institutions that fund and conduct research, demands a shared interest by all parties that research be protected from even the appearance of conflict of interest. To that end, all eligible institutions are required to develop and maintain a written policy on conflicts of interest (COI) and to inform the Agencies when it is in place by providing them with a copy.


The attached drafts reach beyond research-related activities to provide an updated institutional COI policy and related procedures able to cover non-research activities. If adopted, the new policy and procedures will replace the existing policy AD 11.18 (Conflict of Interest), which is directed primarily at purchasing practices, while reinforcing those elements in R 10.01 (External Research Grants and Contracts) and R 60.01 (Integrity in Research and Misconduct in Research) that speak to the COI issue.

These documents have been revised to take account of comments received during the consultation process.

I recommend that the draft policy be forwarded to the Senate Committee on Agenda and Rules for information and to the Board of Governors for approval.

I concur and so recommend.

Michael Stevenson
President and Vice-Chancellor

 <p>SIMON FRASER UNIVERSITY Policies and Procedures</p>	<p>Date: March 1, 2007</p>	<p>Number: GP 37 DRAFT 0.6</p>
	<p>Revision Date:</p>	<p>Revision Number:</p>

SUBJECT: 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*.

1.0 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.

2.0 SCOPE

2.1 This Policy applies to all Members of the University.

3.0 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 Review 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.

4.0 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.

5.0 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

Appendix I

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

- 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.

 <p>SIMON FRASER UNIVERSITY Policies and Procedures</p>	Date: January 2007	Number: GP 37 (Procedure)
	Revision Date:	Revision Number: draft 0.4

SUBJECT: Procedures for Disclosing and Assessing Conflicts of Interest

1.0 Disclosing Conflicts of Interest -- Research

- 1.1. Members applying for research funding must complete a Research Funding Application Signature Sheet *[link to form]*. As part of that application process, the applicant must disclose any real or potential conflicts of interest (see University Policy GP 37) on the form and indicate that a Conflict of Interest Review is required.
- 1.2 Where the research involves the use of human subjects, the Research Ethics Review Board will review the real or potential conflict of interest and determine whether a conflict of interest exists and, if so, whether it may be managed or must be disallowed.
- 1.3 Where the research does not involve the use of human subjects, the Research Ethics Review Board will refer the disclosure to the research applicant's supervisor, who will review the real or potential conflict of interest and determine whether a conflict of interest exists and, if so, whether it will be managed or must be disallowed.
- 1.4 In all cases, the reviewer will issue a written decision to the Member who has declared the real or potential conflict of interest, with a copy to the Research Ethics Review Board, setting out the issues assessed during the review and the reasons for the decision. Where the decision is to manage the conflict, a process for doing so will be set out.

2.0 Disclosing Conflicts of Interest – Non-Research

- 2.1 Each Member shall disclose to his or her Supervisor any real or potential conflict of interest that exists or might reasonably be perceived to exist. Where the Supervisor shares in the same conflict of interest, both parties shall disclose this to the next most senior supervisor.
- 2.2 Disclosure shall be made in each of the following circumstances, where appropriate:

- 2.2.1 As soon as any situation arises that creates, or may be perceived to create, a conflict of interest for a Member, or as soon as the Member becomes aware of such a situation;
 - 2.2.2 As required in any annual report of a Member's activities or plans or both;
 - 2.2.3 Prior to the appointment of the Member;
 - 2.2.4 Where required by a particular grant or contract;
 - 2.2.5 Where otherwise required in accordance with Policy GP 37.
- 2.3 Normally, disclosures of a conflict of interest will be made in writing using the Conflict of Interest (Non-Research) Disclosure Form *[link to form]*. Minor conflicts, such as those that may arise in a committee meeting, may be disclosed verbally to the chair.
- 2.4 If a Member is uncertain whether a conflict of interest exists or is likely to exist, clarification should be sought in a preliminary discussion with the Supervisor or other appropriate officer of the University.

3.0 Procedure for Handling Conflicts of Interest (Research and Non-Research)

- 3.1 The Reviewer shall consider the particulars of the situation and decide whether a conflict of interest exists; whether it will be allowed to continue or must be discontinued; and, if it is to be allowed, if conditions should apply.
- 3.2 The Reviewer shall determine the course of action that is in the best interests of the University. In making this determination, the Reviewer may take into account the following factors:
- 3.2.1 any possible harm to the University or its employees, officers or others acting on its behalf if the conflict is allowed;
 - 3.2.1 any possible harm to the interests of students, clients of University services, or others served by the University, if the conflict is allowed;
 - 3.2.3 whether reasonable alternative arrangements are possible which do not create a conflict of interest;
 - 3.2.4 the consequences to the University, its reputation and future activities if the conflict of interest is not allowed;
 - 3.2.5 the consequences to the University and its reputation and future activities if the conflict of interest is permitted to continue;
 - 3.2.6 the educational, research, economic and other interests of the University; and
 - 3.2.7 the rights and interests of the University Member.
- 3.3 The Reviewer may request from the Member additional information that relates directly to and is necessary to assess and decide the real or potential conflict. The

Reviewer may consult with others before making a decision relating to a real or potential conflict of interest.

- 3.4 The Reviewer may impose terms and conditions before permitting a conflict of interest to continue.
- 3.5 In all cases, the Reviewer will issue in writing a report to the Member who has declared the real or potential conflict of interest, setting out the issues assessed during the review, the decision made and the reasons for the decision. Where the decision is to manage the conflict, a process for doing so will set out. For reporting purposes, a copy of the report will be forwarded by the Reviewer to the Office of Research Ethics.
- 3.6 A decision concerning an ongoing conflict of interest may be reviewed by the Reviewer at appropriate intervals. The original decision may be reversed or varied.

4.0 Assessing and Managing Conflicts of Interest (Research and Non-Research)

- 4.1. Without limiting the discretion of a person assessing a disclosure to consider all relevant factors, the Reviewer must consider the following factors in assessing a disclosure:
 - 4.1.1 the impact on the Member's ability to satisfy his or her obligations to the University;
 - 4.1.2 the degree to which the proposed action will be detrimental to the interests of the University, or in the research context;
 - 4.1.3 the degree to which it may compromise an investigator's professional judgment in conducting or reporting research; and
 - 4.1.4 the extent to which the proposed action or activity may be managed through an appropriate protocol.
- 4.2. Where a Reviewer is unable to determine an appropriate course of action, the disclosure will be referred to the next level of review with a copy of the disclosure report and any related documents.

5.0 Access to Disclosures

5.1 Disclosures made under Policy GP 37 (Conflict of Interest) 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 and the terms and conditions imposed. Information will be disclosed only as permitted or required by law.

8.

6.0 Records Management

6.1 Records created as a result of actions under this policy will be managed in accordance with a Records Retention Schedule and Disposal Authority (RRSDA). RRSDAs delineate records retention requirements, timeframes, and final dispositions based on an appraisal of the value of the records. The University Archivist is responsible for approving all RRSDAs.

**SIMON FRASER UNIVERSITY
CONFLICT OF INTEREST (NON-RESEARCH) DISCLOSURE FORM**

Name:	
Department:	
Title or Position:	
Academic Year:	
Supervisor Name:	
1. Compensated External Professional Activity (Consulting, Board Memberships, Teaching, etc.)	
Company or Organization	Description of Relationship, Form of Compensation and Conflict or Potential Conflict of Interest
2. Business Interests and Relationships (Personal, Family or Other)	
Company or Organization	Description of Relationship, Form of Compensation and Conflict or Potential Conflict of Interest
3. Other External Activities	
Company or Organization	Description of Relationship, Form of Compensation and Conflict or Potential Conflict of Interest
Signature:	
Date:	

Freedom of information and protection of privacy

The information is collected under the authority of the University Act (RSBC 1996, c. 468) and University Policy GP 37. It relates directly to and is necessary to manage the University's conflict of interest policy. This information is used only in assessing and deciding the real or potential conflict of interest disclosed in it. Questions about the collection and use of this information should be directed to the Vice President, Research/Vice President, Legal Affairs.

10.

Disclosing Real or Potential Conflict of Interest

Research-Related Disclosure

Disclose to Research Ethics Office
Using Research Funding Appl
Form

Real or Potential Conflict is
considered and ruled upon by
Research Ethics Review Board

Non-Research-Related Disclosure

Disclose to Supervisor (Chair, Line
Manager, etc.)
Using Non-Research COI disclosure
form

Where No Human Subject is involved,
disclosures to the Research Ethics Office
are referred to the Member's Supervisor
for review and ruling

Written decisions are communicated to the Member
who has disclosed, with copies to the
Research Ethics Office

The Research Ethics Office issues an annual report
on Conflict of Interest disclosures and decisions, with
copies to the Tri-Council Agencies and to the SFU
Board of Governors

Simon Fraser University Research Funding Application Signature Sheet

One photocopy of the funding proposal must be attached to this signed form when submitted to Research Services for approval

Funding Agency or other Sponsor _____
 Agency Program (if applicable) _____
 Name of SFU Principal Investigator/Applicant _____
 Applicant's status at Simon Fraser University _____
 Co-Investigator(s) if any _____
 Department(s) or School(s) _____
 Project Title _____
 Project Keywords _____
 Award Type Grant Contract Letter of Intent Other (specify) _____
 Primary Use of funds Operating Equipment Fellowship Conference

Proposed SFU budget, for annual or other specified time periods of project.

(Note: Periods are normally 12 months)

	1st Period	2nd Period	3rd Period	4th Period	5th Period	
Project Dates From:						Totals (generated automatically)
To:						
Personnel salary costs (including benefits)						\$0.00
Release Time Stipend/ Replacement Costs						\$0.00
Principal Investigator Fees or Honoraria						\$0.00
Equipment (incl. 8.98% GST & PST)						\$0.00
Other Direct Costs (e.g. travel, supplies)						\$0.00
Total Direct Costs (generated automatically)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SFU Overhead (please see reverse)						\$0.00
Totals (generated automatically)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Is this project health related?	No		Yes			
Does this project make use of advanced networks?	No		Yes			
Is this project an international collaboration?	No		Yes			Specify countries: _____
Is this a renewal or addition to a current grant?	No		Yes			Current SFU project #: _____
CERTIFICATES: Is Ethics Review Required?	No		Yes			Approval date / number: _____
Is Conflict of Interest Review Required?	No		Yes			Approval date / number: _____
Is Biohazards Review Required?	No		Yes			Approval date / number: _____
Is Animal Care Review Required?	No		Yes			Approval date / number: _____

Special Requirements: Describe below any incremental requirements for space, equipment, services, facilities, release time, or other resources proposed to be provided by SFU; use a separate sheet if necessary. If none, enter 'none.' Do not leave box empty. Please note that institutional approval for the application may be withdrawn if it is later determined that SFU cannot provide incremental resources that are required to carry out the work but that were not identified by the applicants at the time of application.

Authorizing Signatures: Signatures indicate approval and acceptance of any special requirements described above. For a complete explanation of what signatures indicate, please see reverse.

Date _____

Applicant(s) _____

Date _____

Chair/Director _____

Date _____

Faculty Dean or designate _____

Date _____

(if applicable) Institute Director _____

Date _____

Research Services _____

Date _____