

<b>Policy Name:</b>	Policy and Procedures Regarding Conflict of Interest and Conflict of Commitment
<b>Originating/Responsible Department:</b>	Office of the Provost and Vice-President (Academic)
<b>Approval Authority:</b>	VPARC
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<b>Contact:</b>	Office of the Provost and Vice-President (Academic)

### **1. Policy:**

Policy and Procedures Regarding Conflict of Interest and Conflict of Commitment

### **2. Purpose:**

Carleton University exists to preserve, develop and transfer knowledge. Interaction of members of the university with external entities is desirable and encouraged when the activity benefits the professional standing of the individual, the reputation of the university, or provides a community or professional service. Carleton University requires all members of the university engaged in teaching and/or research (“Members”) to manage conflicts of interest and conflicts of commitment that may impede or compromise fulfillment of their duties and responsibilities to the institution as a collegial, publically accountable institution. Management of university assets, resources and people by employees places a clear duty on employees to place the interests of the university before any personal interests when conducting university business. By placing the interests of the university first, we ensure that we act in the best interests of the university and confirm integrity in our internal and external professional dealings. As a result, we protect and enhance the reputation of the university.

This policy is premised on the view that disclosure and review of potential conflicts of interest and conflicts of commitment is preferable to a policy that *a priori* restricts engagement. All Members of the Carleton University community, as well as the institution itself will benefit from an approach that encourages external engagement without compromising the institution’s mission and accountabilities. The foundation of this policy is, accordingly, self-disclosure although the policy also provides for circumstances when this does not occur.

### **3. Definitions:**

*Conflict of Interest* – arises when a Member engages in an activity or undertaking that influences university research, education or business for personal gain. Personal gain may result from: direct financial interest, use of university resources for personal benefit, benefit to a family member, receipt of gifts or other material benefits. These categories of personal gain are set out for illustrative purposes and are not intended as all encompassing. Activities involving corporations held by Members of the university, either a sole proprietor or in a partnership, are also subject to this policy.

*Conflict of Commitment* – arises when a Member undertakes external professional or personal activities that are organized in such a manner or require a time commitment that prevents the individual from fulfilling her/his obligations to the university. Conflict of commitment may also occur when a Member undertakes external professional or personal activities that prevent him/her from fulfilling obligations or to others or other institutions that are separate from Carleton University but to whom the individual owes an obligation as a result of their relationship to the university.

It is important to note that a conflict of interest or conflict of commitment does not inherently imply wrongdoing. It is a reflection of circumstances, not character. A conflict may be real (it exists and is known to the individual), perceived (a reasonably well-informed party could consider that a conflict exists), or potential (the individual or the university foresees that a conflict may arise).

The most important requirement is for the individual to declare conflict so that both the Member and the university are aware of the nature of the conflict, and have agreed on whether or not the proposed activity or undertaking shall be approved by the university or declared in violation of this policy. A conflict may, in certain cases, be permitted when it can be managed in a way that protects and serves the integrity and interests of Carleton University, including its ethical and legal obligations, and will stand the test of reasonable independent scrutiny.

#### **4. Relationship to Other Agreements, Policies and Laws:**

This policy is intended to compliment all university policies but particularly the [“Policy and Procedures Regarding Allegations of Academic Misconduct in Teaching and Research”](#) (February 2013) and the [“Academic Staff Hiring Policy and Procedures”](#) (See Procedures 1.6, July 2014). [The Tri-Agency Framework: Responsible Conduct of Research](#) is also relevant. This policy operates under the terms of FIPPA. Those Articles of collective agreements that pertain to intellectual property, commercialization, innovation transfer, member rights and privileges, disclosure of employee information, discipline and any other relevant articles also apply. There is no intent for this policy to supersede or override any relevant articles of any collective agreements in place at Carleton University. Members of the university not under a collective agreement are also subject to this policy, within the context of their individual employment contracts.

This policy also recognizes that Members of the university are encouraged to protect and commercialize their intellectual property under the terms of some federal and provincial research programs. It is not intended to discourage application for such programs.

#### **5. Policy Responsibility:**

Primary responsibility for this policy lies with the Provost and Vice-President (Academic). However, the Vice-President (Research and International), the Vice-President (Students and Enrolment) and University Registrar, the Vice-President (Finance and Administration), the Deans and University Librarian are also involved. These individuals have carriage of this policy during the normal business practices and due diligence activities of the university. In this context, attention should be paid to oversight procedures in

cases of non-disclosure during due diligence. The primary obligation to report their real, perceived or potential conflicts of interest and conflicts of commitment rests with individual employees.

This policy also recognizes that a third party (from within Carleton or an external third party) may perceive conflict of interest or conflict of commitment.

#### **6. Breach of Policy:**

Employees of Carleton University have an obligation to inform themselves of and to follow university policies. Sanctions for individuals breaching this policy will be applied using the principles of progressive discipline. Repeated and/or serious breaches may require greater response including, but not limited to, cancellation of access to university facilities for purposes other than teaching, cancellation of contracts and ineligibility to participate on selected university committees including: internal award adjudication committees, hiring, and tenure and promotion committees, if the breach occurred in relation to the work of these committees.

#### **7. Maintenance of Records:**

Disclosure of conflict of interest or conflict of commitment, associated mitigation plans and records of proceedings related to non-disclosure shall be maintained in a secure manner for a period of at least three (3) years after the duration of the conflict of interest/conflict of commitment, unless otherwise legislated.

#### **8. Procedure:**

##### *8.1 Self-reporting*

This policy is premised on the view that the majority of instances of conflict of interest or conflict of commitment will be self-reported. The following procedures govern situations where an individual concludes that an opportunity or activity places her/himself in a real, perceived or potential conflict of interest or conflict of commitment.

##### 8.1.1 In cases where the conflict relates to research

- a. The Member shall complete the Declaration of Conflict of Interest and Conflict of Commitment Form available from their Supervisor, or from the Office of the Provost and Vice-President (Academic) and submit it their Supervisor (Chair/Director, or in the case of Sprott School of Business, the Dean, or in the case of MacOdrum Library, the University Librarian) for review.
- b. The Supervisor shall complete the Assessment and, if necessary, the Mitigation Plan. The Supervisor will work with the Member to mitigate the conflict in a manner that is satisfactory to all parties.
- c. In instances where the conflict is seen as irresolvable, the proposed initiative/activity shall not proceed. This shall be recorded on the Assessment and Mitigation Plan.
- d. The Supervisor will submit the Assessment and Mitigation Plan to the Dean, or, in the case of the Sprott School of Business and the MacOdrum Library, to the Provost and Vice-President (Academic), for review.

- e. The Dean/Provost and Vice-President (Academic) will complete the Conflict of Interest and Conflict of Commitment Review Form.
- f. A copy of the Assessment and Mitigation Plan, and the Review will be sent to the Vice-President (Research and International) and the Provost and Vice-President (Academic).
- g. Responsibility for implementation of the Mitigation Plan shall be shared among the Member, CURO and the Office(s) of the relevant Dean(s)/University Librarian, as appropriate to the specific terms of the Plan.

#### 8.1.2 In cases where the conflict relates to other non-research activities

- a. The Member shall complete the Declaration of Conflict of Interest and Conflict of Commitment Form available from their Supervisor, or from the Office of the Provost and Vice-President (Academic) and submit it their Supervisor (Chair/Director, or in the case of Sprott School of Business, the Dean, or in the case of MacOdrum Library, the University Librarian) for review.
- b. The Supervisor shall complete the Assessment and, if necessary, the Mitigation Plan. The Supervisor will work with the Member to mitigate the conflict in a manner that is satisfactory to all parties.
- c. In instances where the conflict is seen as irresolvable, the proposed initiative/activity shall not proceed. This shall be recorded on the Assessment and Mitigation Plan.
- d. The Supervisor will submit the Assessment and Mitigation Plan to the Dean, or, in the case of the Sprott School of Business and the MacOdrum Library, to the Provost and Vice-President (Academic) for review.
- e. The Dean/Provost and Vice-President (Academic) will complete the Conflict of Interest and Conflict of Commitment Review Form.
- f. A copy of the Assessment and Mitigation Plan, and the Review will be sent to the Provost and Vice-President (Academic).
- g. Responsibility for implementation of the Mitigation Plan shall be allocated as appropriate among the Member(s) involved and the relevant supervisor(s).

### *8.2 Undisclosed Conflicts*

There are two circumstances where this policy applies outside of the protocols for disclosure. The first is when a Member of the university in an oversight position perceives a real or potential conflict of interest or conflict of commitment. The second is when a third party from within or outside Carleton University alleges a conflict of interest or conflict of commitment.

#### 8.2.1 Oversight procedures in cases of non-disclosure during due diligence

Questions about possible conflict of interest or conflict of commitment may arise in numerous situations and in numerous stages of the university's standard business processes and practices. The guiding principle is that the individual(s)' supervisor shall have carriage of these situations. The following specific procedures shall apply. For the purposes of brevity, the term "supervisor" is used to denote those who have carriage.

- a. To the extent possible, Carleton University shall protect the individual who makes an allegation of conflict of interest or conflict of commitment in good faith or provides information related to

an allegation, from reprisals in a manner consistent with relevant legislation. Similarly, the institution shall protect those persons against whom allegations of conflict of interest or conflict of commitment are made, but are not confirmed or are found to be the result of honest error or honest differences in interpretations or judgments of data.

- b. Questions or allegations of conflict of interest or conflict of commitment should be in writing, signed and directed to the individual(s)' supervisor.
- c. If, upon review of available data, the supervisor considers that the potential conflict requires further exploration, the supervisor shall meet with the individual(s) with the potential conflict. Where the respondent is a member of a bargaining unit at Carleton University, the respondent will be entitled to be accompanied by a representative of his/her union during any proceedings.
- d. At the meeting, the supervisor shall review this conflict of interest/conflict of commitment policy and procedures with the individual(s), stressing the emphasis on self-disclosure.
- e. If a conflict is found to exist, the supervisor and the individual(s) involved shall work to mitigate the conflict in a manner that is satisfactory to all parties. The individual(s) shall complete the Declaration of Conflict of Interest and Conflict of Commitment Form, as appropriate and, where possible, a mitigation plan shall be developed, signed by both parties and appended to the Declaration.
- f. In instances where the conflict is seen as irresolvable, the proposed initiative/activity shall not proceed. This shall be recorded on the Declaration.
- g. Responsibility for implementation of the Mitigation Plan shall be allocated as appropriate among the individual(s) involved and the relevant supervisor(s).
- h. In all cases, the appropriate vice-president(s) shall be informed of the case and its resolution.

#### 8.2.2 Oversight procedures in cases of third party complaint

The university may receive allegations of conflict of interest or conflict of commitment from a third party, either from within the university community or external to the university. In such cases, the following procedures apply.

- a. Third party questions or allegations of conflict of interest or conflict of commitment shall be in writing and signed. Such allegations shall initially be forwarded to the relevant vice-president.
- b. The complaint will be assessed to determine that it is not frivolous, vexatious or based on patently false information. In such cases, the university will write a formal reply to the complainant, indicating the reasons for not proceeding further and declaring the complaint closed.
- c. In cases where the complaint requires further investigation, the relevant vice-president shall determine the member(s) of the academic management group of the university who will explore the allegation.
- d. The individual(s) designated to pursue the allegation shall meet with the individual(s) with the potential conflict. The individual(s) shall be informed in writing beforehand of the nature of the complaint and the purpose of the meeting. Where the respondent is a member of a bargaining unit at Carleton University, the respondent will be entitled to be accompanied by a representative of his/her union during any proceedings.

- e. The main purpose of this meeting is to explore the complaint. Also, this conflict of interest/conflict of commitment policy and procedures should be reviewed with the individual(s), stressing the emphasis on voluntary disclosure.
- f. If a conflict is found to exist, the supervisor and the individual(s) involved shall work to mitigate the conflict in a manner that is satisfactory to all parties. The individual(s) shall complete the Declaration of Conflict of Interest and Conflict of Commitment Form, as appropriate and, where possible, a Mitigation Plan shall be developed, signed by both parties and appended to the Declaration.
- g. In instances where the conflict is seen as irresolvable, the proposed initiative/activity shall not proceed. This shall be recorded on the Declaration.
- h. The appropriate vice-president(s) shall be informed of the resolution of the case.
- i. Responsibility for implementation of the Mitigation Plan shall be allocated as appropriate among the individual(s) involved and the relevant supervisor(s) who shall be informed by the vice-president(s) engaged with the allegation.
- j. To the extent possible, Carleton University shall protect the individual who makes an allegation of conflict of interest or conflict of commitment in good faith or provides information related to an allegation, from reprisals in a manner consistent with relevant legislation. Similarly, the institution shall protect those persons against whom allegations of conflict of interest or conflict of commitment are made, but are not confirmed or are found to be the result of honest error or honest differences in interpretations or judgments of data.

**Contacts:**

Office of the Provost and Vice-President (Academic)

**Links to Related Policies:**

[Policy and Procedures Regarding Allegations of Academic Misconduct in Teaching and Research](#)

[Indirect Costs of Research](#)

[Policy on the Responsible Conduct of Research](#)

[Academic Staff Hiring Policy and Procedures](#)