

## **Conflict of Interest in Research Procedures**

*To accompany Royal Roads University's Conflict of Interest Policy in Research*

See: <http://www.royalroads.ca/research/policies>

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### **Definition of Conflict of Interest**

“**Conflict of Interest**” may arise when activities or situations place the University or an RRU Member in a real, perceived or potential conflict between their duties or responsibilities related to research and their personal, institutional or other interests. Conflict of interest may occur when the University's or RRU Member's judgments and actions in relation to research are, or could be, affected by personal, institutional or other interests, including, but not limited to, business, commercial or financial interests, whether of the RRU Member or Closely Associated Persons, or their former, current or prospective professional associations, or of the University itself.

Examples of Conflict of Interest in Research include but are not limited to:

- Evaluating the research or writing, or any other activity, of a colleague who is also a direct competitor of the RRU Member.
- Contributing to a decision on the hiring, evaluation, advancement, or scholarly work of an individual if the RRU Member has a previous ongoing connection (positive or negative) with that individual (i.e. a Closely Associated Person, e.g., spouse, relative, friend; or student supervisor/advisor).
- Entering into an agreement with a sponsor(s) wherein advantages are promised, formally or informally, to researchers for findings that are favourable to the sponsor(s). This may involve, among other things, the payment of money, royalties, or grants or the transfer of shares or options in the sponsoring company.
- Supervising research personnel, including students, technicians and/or staff, employed by a related business, i.e. in which the RRU Member has a financial or other interest.
- Supervising research work of a Closely Associated Person, i.e. someone to whom the RRU Member is related or with whom he or she has a close personal relationship.
- Using University or sponsor resources for private business purposes.
- Using information acquired in the course of research activities, which is not in the public domain, to advance a RRU Member's personal or financial interests or those of a related business.
- Entering into a licensing agreement for the development of intellectual property, generated as the result of University research with a company in which the RRU Member has a financial or other interest.

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Wherever a real, perceived or potential Conflict arises while carrying out Research, the RRU Member must disclose any real, perceived or potential Conflict of Interest in Research to his/her Administrative Head.

## **1. Procedures for Disclosure of Conflicts of Interest in Research – For Faculty**

- 1.1. The policy/procedures for Conflict of Interest in Research will be included as part of the orientation package for all new faculty. New faculty shall complete the Conflict of Interest in Research Disclosure form to indicate that they have read the Policy and agree to abide by it, and to indicate whether they have an actual, perceived or potential Conflict to disclose.
- 1.2. When filing their annual workplan, an RRU Faculty shall declare on the workplan that they have read the Policy and agree to abide by it, and to indicate whether they have an actual, perceived or potential Conflict to disclose.

## **2. Procedures for Disclosure of Conflicts of Interest in Research – For Faculty & Staff**

- 2.1. Members applying for research funding externally or internally must disclose any real, perceived or potential Conflicts of Interest and indicate that a Conflict of Interest in Research review is required.
  - 2.1.1. For external applications, disclosure shall be made using the “Grants and Contracts Pre-Approval Form”, which is reviewed in the first instance by the research applicant’s Administrative Head.
  - 2.1.2. For internal applications, disclosure shall be made by using the Internal Grant Application Form and/or the Professional Development/Scholarly Activity Pool Workplan submission. The research development coordinator, who reviews in the first instance, will refer the disclosure to the research applicant’s Administrative Head.
- 2.2. Wherever a real, perceived or potential conflict arises while carrying out Research occurs subsequent to the initial filing of a disclosure to the contrary, the RRU Member must disclose any real, perceived or potential Conflict of Interest in Research to his/her Administrative Head.
- 2.3. When a Conflict of Interest in Research is disclosed by an RRU Member during an ethical review submitted to the Royal Roads University Research Ethics Board (REB), and where there is an existing plan/process already in place to manage a Conflict of Interest in Research, that plan/process will be followed. Otherwise, the REB will refer the Conflict to the Administrative Head.
- 2.4. Any person who is aware or has reasonable grounds to believe that an undisclosed Conflict of Interest in Research exists shall normally raise the matter with the Member involved in the potential conflict and refer them to this Policy. If the person reasonably believes that this Policy is not being followed by the RRU Member after the issue has been raised with them or that raising the issue with the RRU Member is inappropriate in the circumstances, they shall report it to the Administrative Head of the Member involved in the alleged Conflict of Interest in Research. The Administrative Head shall discuss the alleged

undisclosed Conflict of Interest with the Member and, if a Conflict of Interest exists, shall deal with it in accordance with these Procedures.

- 2.5. Where the Administrative Head shares in the same Conflict of Interest in Research, both parties shall disclose this to the next senior Administrative Head.

### **3. Procedures for Disclosing Conflicts of Interest in Research – For Students**

- 3.1. Students shall disclose any potential, perceived or actual Conflicts of Interest in Research as part of the Request for Ethical Review that is submitted to the Royal Roads University Research Ethics Board (REB).
- 3.2. The REB shall determine whether a Conflict of Interest exists and, if so, whether it will be managed or must be disallowed.

### **4. Procedures for Assessing Conflicts of Interest in Research**

- 4.1. The Administrative Head to whom a Conflict of Interest in Research is disclosed (or REB in the case of students) 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, under what, if any, conditions.
- 4.2. The Administrative Head (or REB in the case of students) shall determine the course of action that is in the best interests of the University. Without limiting the discretion of the Administrative Head (or REB in the case of students) assessing a disclosure to consider all relevant factors, the Administrative Head (or REB in the case of students) must consider the following factors in assessing a disclosure:
  - a) the impact on the Member's ability to satisfy his or her obligations to the University;
  - b) the degree to which the proposed action will be detrimental to the interests of the University, or in the research context;
  - c) the degree to which it may compromise an investigator's professional judgment in conducting or reporting research; and
  - d) the extent to which the proposed action or activity may be managed through an appropriate protocol.
- 4.3. The Administrative Head (or REB in the case of students) may take into account the following factors:
  - a) any possible harm to the University or its employees, officers or others acting on its behalf if the conflict is allowed;
  - b) any possible harm to the interests of students, clients of University services, or others served by the University, if the conflict is allowed;
  - c) whether reasonable alternative arrangements are possible which do not create a Conflict of Interest;
  - d) the consequences to the University, its reputation and future activities if the Conflict of Interest is not allowed;

- e) the consequences to the University and its reputation and future activities if the Conflict of Interest is permitted to continue;
  - f) the educational, research, economic and other interests of the University; and
  - g) the rights and interests of the RRU Member.
- 4.4. The Administrative Head (or REB in the case of students) may request from the RRU Member additional information that relates directly to and is necessary to assess and decide the real or potential conflict. The Administrative Head (or REB in the case of students) may consult with others before making a decision relating to a real or potential Conflict of Interest in Research.

## **5. Procedures for Handling Conflicts of Interest in Research**

- 5.1. The Administrative Head (or REB in the case of students) shall determine whether a Conflict of Interest in Research exists and whether there is an established plan/process already in place to mitigate the Conflict.
- 5.2. In cases where there is an existing plan/process already in place to manage a Conflict of Interest in Research, that plan/process will be followed.
- 5.3. In cases where there is no established plan/process already in place to mitigate, the Administrative Head (or REB in the case of students) will determine whether it can be managed or must be disallowed as per the following:
- 5.3.1. The Administrative Head (or REB in the case of students) will issue a written decision to the RRU Member who has declared the real, perceived or potential Conflict of Interest in Research, with a copy to the Office of Research, Manager of Research Development (or Ethics Coordinator in the case of students), 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.
    - 5.3.1.1. Where an anticipated activity is assessed as not having the potential for Conflict, the RRU Member is free to proceed with the activity upon receiving notice to that effect from the Administrative Head (or REB in the case of students).
    - 5.3.1.2. Where the anticipated activity is assessed as having the potential for Conflict, but where it is seen to sufficiently serve the interests of the University and can be managed in a way that is compliant with legislation, protects the integrity and reputation of the University, and would withstand the test of reasonable and independent scrutiny, a suitable method of monitoring and managing the Allowed Conflict is to be determined and implemented before the RRU Member is free to proceed with the activity.

- 5.3.1.3. Where the anticipated activity is assessed as having the potential for Conflict but is not seen as sufficiently serving the interests of the University or as being appropriately manageable or able to withstand the test of reasonable and independent scrutiny, the Conflict will not be allowed and the RRU Member is to not proceed with the activity.
- 5.3.2. The Administrative Head (or REB in the case of students) may impose terms and conditions before permitting a Conflict of Interest in Research to continue, and may work with the RRU Member to settle on those terms and conditions.
- 5.3.3. In the instance that a Conflict of Interest in Research is to be managed, the Administrative Head (or REB in the case of students) shall
- a) ensure the terms and conditions and management of an activity associated with an allowed Conflict consider and comply with the Freedom of Information and Protection of Privacy Act and other legislation relevant to that activity;
  - b) administer or delegate the on-going monitoring and management of the allowed Conflict;
  - c) document all related matters and maintain records sufficient to address any legislative, policy audit or conflict allegation issues that might arise;
  - d) escalate unresolved matters appropriately;
  - e) keep senior officers of the University appropriately apprised.
- 5.3.4. In all cases, the Administrative Head (or REB in the case of students) will issue in writing a report to the RRU Member who has declared the real, perceived or potential Conflict of Interest in Research, 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 Administrative Head (or REB in the case of students) to the Office of Research, Manager of Research Development (or Ethics Coordinator in the case of students).
- 5.3.5. A decision concerning an ongoing Conflict of Interest in Research may be reviewed by the Administrative Head (or REB in the case of students) at appropriate intervals. The original decision may be reversed or varied.
- 5.3.6. Where an Administrative Head (or REB in the case of students) 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.

## **6. Access to Disclosures**

- 6.1. Disclosures made under this Policy 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.

## **7. Appeals**

- 7.1. Any RRU Member who is not satisfied with a decision relating to him or her made by an Administrative Head (or REB in the case of students) under this policy may appeal the decision within fourteen days of receiving written notice of the decision.
- 7.2. The RRU Member shall submit a written statement outlining the grounds of appeal and the reasons therefore, together with any relevant documentation, to the Administrative Head of the Administrative Head who made the decision (or the Administrative Head of the REB in the case of students). If the RRU Member reasonably believes that the Administrative Head to whom the appeal will normally be directed was previously involved in the decision or might otherwise be biased in considering the appeal, the RRU member may submit the appeal to the Administrative Head of that person as defined in section 3.1 of the Conflict of Interest in Research Policy.
- 7.3. The Administrative Head receiving the appeal shall make a final decision, normally within thirty days, but he or she may extend that time upon giving notice to the appealing RRU Member if it is desirable to consult with others or consider the matter further before making the decision. An appeal decision shall be in writing and shall be binding on the RRU Member.

## **8. Compliance**

- 8.1. The University expects that RRU Members will comply fully with this Policy and its associated procedures. Non-compliance constitutes misconduct and may be pursued under the University's Policy and Procedures on Academic Integrity and Misconduct in Research and Scholarship.

## **9. Records Management**

- 9.1. Records created as a result of actions under this policy will be managed in accordance with the data retention requirements of the BC Freedom of Information and Protection of Privacy Act and other applicable laws, codes and policies.