

<b>Title</b>	<b>CONFLICT OF INTEREST IN RESEARCH</b>		
<b>Parent Policy</b>	Conflict of Interest in Research	<b>Responsible Office</b>	Research and Innovation
<b>Classification</b>	Administrative	<b>Effective Date</b>	2022-Jun-16
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<b>Approval</b>	Vice-President, Research and International		

This procedure is applied in a manner consistent with applicable statutory and legal obligations, including university collective agreements, terms of employment and the parent policy.

The most up-to-date versions of the university's procedures are posted on the policy and procedure website. If you've printed this procedure, check the website to ensure you have the current version.

**NOTE:** The first appearance of terms in **bold** in this document (except titles) are defined terms – refer to the Definitions section.

## PURPOSE

The purpose of this document is to provide procedures for disclosing and managing conflicts of interest in **research** in a timely, fair, transparent, and consistent manner across Royal Roads University ("Royal Roads" or "university").

A conflict of interest in research is any situation where a divergence exists between a **university member's** professional or **personal interests** (including that of a **related business**) and their research obligations to the university. This conflict could adversely influence or provide an incentive, a **financial interest** or otherwise, to affect the university member's (or university's) conduct of university research responsibilities. A conflict of interest in research may be real, perceived, or potential such that an independent observer would reasonably question whether the university member's (or university's) decisions are, or could be, in any way motivated by considerations of personal interest, financial or otherwise.

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 university member;
- contributing to a decision on the hiring, evaluation, advancement, or scholarly work of an individual if the university member has a previous or ongoing relationship (positive or negative) with that individual (e.g., a closely associated person, student, or 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), including but not limited to 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 in which the university member has a financial or other interest;
- supervising research work of a **closely associated person**;
- using university or sponsor resources for private business purposes;
- research co-led within a community (e.g. an Indigenous community) which engages family members, or other closely associated persons, as research participants;

- using information that is not in the public domain and acquired in the course of research activities to advance a university member's personal or financial interests or those of a related business; or
- entering into a licensing agreement for the development of intellectual property, generated as the result of university research with a company in which the university member has a financial or other interest.

## PROCEDURE

A university member declares a conflict of interest in research in writing in accordance with the procedures below. The university member ceases from participating in the situation of real, perceived or potential conflict of interest in research, until the conflict can be assessed, and a decision is made as to the continuation, management or withdrawal of the activity.

### 1. Faculty-Specific Disclosure of Conflicts of Interest in Research

- a. The conflict of interest in research policy and procedures will be included as part of the orientation package for all new Royal Roads faculty. New faculty complete the Conflict of Interest in Research Disclosure Form to indicate that they have read the policy and procedures, and agree to abide by them, and to indicate whether they have a real, perceived or potential conflict to disclose.
- b. The Office of Research Services will coordinate an annual communication of the conflict of interest in research policy and procedures to all core faculty.

### 2. Faculty, Staff and Other University Member Disclosure of Conflicts of Interest in Research

- a. The research project principal investigator ensures that all individuals affiliated with their research activities are informed of the conflict of interest in research policy and procedures, and their obligations and responsibilities in relation to the policy and procedures.
- b. The principal investigator, and other team members, must disclose in writing any real, perceived or potential conflicts of interest in research prior to commencing any research-related activity as follows:
  - i. for external funding applications, disclosure shall be made using the grants and contracts notice of intent form, which is reviewed in the first instance by the research applicant's **responsible administrator**.
  - ii. for internal applications, disclosure shall be made by using the relevant internal grant application form (e.g. Internal Grants for Research, Professional Development/Scholarly Activity Pool, SSHRC Institutional Grants, etc.). The Office of Research Services staff member who reviews in the first instance will refer the disclosure to the research applicant's responsible administrator.
  - iii. for all other research scenarios, including research that may take place under the auspices of Royal Roads but may be personally or otherwise funded, the university member will disclose in writing the real, perceived or potential conflict of interest in research to their responsible administrator as soon as possible. This disclosure may or may not occur in conjunction with the completion of an application for ethical review.
  - iv. for instances of COI in research involving Indigenous communities the real, potential or perceived conflict will also be disclosed to the Director Indigenous Engagement.
- c. When a real, perceived or potential conflict arises while carrying out research subsequent to the initial filing of a disclosure to the contrary, the university member must disclose in writing any real,

perceived or potential conflict of interest in research to his/her responsible administrator at their earliest opportunity.

- d. When a conflict of interest in research is disclosed by a university member during an ethical review submitted to the Royal Roads 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 responsible administrator.
- e. Any person who is aware of or has reasonable grounds to believe that an undisclosed conflict of interest in research exists will normally raise the matter with the university member involved in the potential conflict and refer them to these procedures and the associated policy. If the person reasonably believes that the policy and procedures are not being followed by the university member after the issue has been raised with them or that raising the issue with the university member is inappropriate in the circumstances, they will report it to the responsible administrator of the university member involved in the alleged conflict of interest in research. The responsible administrator will discuss the alleged undisclosed conflict with the university member and, if a conflict of interest in research exists, will deal with it in accordance with these procedures.
- f. All complaints or concerns will be taken seriously. The anonymity of the person making the complaint or raising a concern will, to the greatest extent possible, be maintained, and the university will protect personal information of all parties involved as required under university policy on privacy guided by the relevant privacy legislation and regulatory requirements. The university will not tolerate any retaliation, directly or indirectly, against anyone who, in good faith, makes a complaint or raises a concern regarding a conflict of interest in research, gives evidence or otherwise participates in a conflict of interest in research process.
- g. Where the responsible administrator shares in the same conflict of interest in research, both parties shall disclose this to the next senior responsible administrator.
- h. Where a university member who is the subject of a complaint is also a Royal Roads University Faculty Association member, the Faculty Association member's case will be administered using relevant articles in the Collective Agreement that may be held to apply.

### **3. Student Disclosure of Conflicts of Interest in Research**

- a. Students shall disclose any real, perceived or potential conflicts of interest in research as part of the request for ethical review that is submitted to the Royal Roads Research Ethics Board (REB).
- b. The REB determines whether a conflict of interest in research exists and, if so, whether it will be managed or must be disallowed.
- c. If a conflict of interest in research arises after an ethical review has taken place, students will notify the REB as soon as they become aware of the conflict.

### **4. Assessment of Conflicts of Interest in Research**

- a. The responsible administrator to whom a conflict of interest in research is disclosed (or REB in the case of students) will 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. In instances that involve Indigenous communities, the responsible administrator will work in conjunction with the Director Indigenous Engagement in the assessment described below.
- b. The responsible administrator (or REB in the case of students) will determine the course of action

that is in the best interests of the university. Without limiting the discretion of the responsible administrator (or REB in the case of students) assessing a disclosure to consider all relevant factors, the responsible administrator (or REB in the case of students) will consider the following factors in assessing a conflict of interest in research disclosure:

- i. the impact on the university member's ability to satisfy his or her obligations to the university;
  - ii. the degree to which the proposed action will be detrimental to the interests of the university, or in the research context;
  - iii. the degree to which it may compromise an investigator's professional judgment in conducting or reporting research;
  - iv. the extent to which the proposed action or activity may be managed through an appropriate protocol;
  - v. any possible harm to the university or its employees, officers or others acting on its behalf if the conflict is allowed;
  - vi. any possible harm to the interests of students, clients of university services, or others served by the university (e.g. Indigenous communities), if the conflict is allowed;
  - vii. whether reasonable alternative arrangements are possible which do not create a conflict;
  - viii. the consequences to the university, its reputation and future activities if the conflict is not allowed;
  - ix. the consequences to the university and its reputation and future activities if the conflict is permitted to continue;
  - x. the educational, research, economic and other interests of the university; and
  - xi. the rights and interests of the university member.
- c. The responsible administrator (or REB in the case of students) may request from the university member additional information that relates directly to and is necessary to assess and decide the real, perceived or potential conflict of interest in research. The responsible administrator (or REB in the case of students) may consult with others before making a decision.

## **5. Managing Conflicts of Interest in Research**

- a. The responsible administrator (or REB in the case of students) will, in determining whether a conflict of interest in research exists, determine the risk(s) of the conflict of interest in research, and ascertain whether there is an established plan/process already in place to mitigate the conflict of interest in research.
- b. In cases where there is an existing plan/process already in place to manage a conflict of interest in research sufficiently, that plan/process will be followed and the responsible administrator will issue a written decision to the university member with a copy to the Office of Research Services Director (or Ethics Coordinator in the case of students).
- c. In cases where there is no established plan/process, or the existing plan or process is deemed insufficient, the responsible administrator (or REB in the case of students) will determine whether the conflict of interest in research can be managed or must be disallowed and proceed as follows:
  - i. The responsible administrator (or REB in the case of students) will issue a written decision to the university member who has declared the real, perceived or potential conflict of interest in

- research, with a copy to the Office of Research Services Director (or Ethics Coordinator in the case of students), outlining 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 outlined.
- ii. Where an anticipated activity is assessed as not having the real, perceived or potential for a conflict of interest in research, the university member is free to proceed with the activity upon receiving written notice to that effect from the responsible administrator (or REB in the case of students).
  - iii. Where the anticipated activity is assessed as having the real, perceived or potential for conflict of interest in research, 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 university member is free to proceed with the activity.
  - iv. Where the anticipated activity is assessed as having the real, perceived or 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 university member is to not proceed with the activity.
  - v. If the research will not proceed, the Office of Research Services Director will inform the funding agency or organisation as relevant.
- d. The responsible administrator (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 university member to settle on those terms and conditions. Terms and conditions may include the designation of an alternate person to replace the university member in the process or situation (e.g. supervision, decision-making, evaluation, review, assessment, hiring, etc.) causing conflict.
- e. In the instance that a real, perceived or potential conflict of interest in research is to be managed, the responsible administrator (or REB in the case of students) will:
- i. 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;
  - ii. administer or delegate the on-going monitoring and management of the allowed conflict;
  - iii. document all related matters and maintain records sufficient to address any legislative, policy audit or conflict allegation issues that might arise;
  - iv. escalate unresolved matters appropriately;
  - v. keep senior officers of the university appropriately apprised.
- f. In all cases, the responsible administrator (or REB in the case of students) will issue a written report to the university 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 be outlined. For reporting purposes, a copy of the report will be forwarded by the responsible administrator (or REB in the case of students) to the Office of Research Services Director (or

Ethics Coordinator in the case of students).

- g. A decision concerning an ongoing conflict of interest in research may be reviewed by the responsible administrator (or REB in the case of students) at appropriate intervals. The original decision may be reversed or varied.
- h. Where a responsible administrator (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.

## **5. Appeals**

- a. Any university member who is not satisfied with a conflict of interest in research decision by a responsible administrator (or REB in the case of students) under these procedures may appeal the decision within fourteen days of receiving written notice of the decision.
- b. The university member submits a written statement outlining the grounds of appeal and the reasons, together with any relevant documentation, to the responsible administrator of the responsible administrator who made the decision (or the responsible administrator of the REB in the case of students). If the university member reasonably believes that the responsible administrator to whom the appeal will normally be directed was previously involved in the decision or might otherwise be biased in considering the appeal, the university member may submit the appeal to the responsible administrator of that person as defined in these procedures (see “responsible administrator” definition below).
- c. The responsible administrator receiving the appeal shall make a final decision, normally within thirty days, but they may extend that time upon giving notice to the appealing university member if it is desirable to consult with others or consider the matter further before making the decision. An appeal decision will be in writing and will be binding on the university member.

## **6. Access to Disclosures**

Disclosures made under the conflict of interest in research policy and procedures will normally be treated as confidential. However, in order to meet the objectives of the policy and procedures, 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. Records Management**

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.

## **COMPLIANCE**

Compliance with this procedure extends to all university members, their closely associated persons, and the university itself, and it applies to all research activities being conducted under the auspices of the university, whether the research is sponsored by the university, by an external funder, or by a university member personally. Non-compliance constitutes misconduct and may be pursued under related university policies and procedures.

## DEFINITIONS

For the purposes of this procedure:

### **Responsible administrator** of:

- the President is the Board of Governors;
- a Vice-President is the President;
- a Dean is the Vice-President Academic & Provost;
- an Associate Vice President is a Vice-President or the President;
- a Head or School Director is the Dean of that Faculty;
- the Director or equivalent of an administrative or other non-teaching unit is the Vice-President or Associate Vice-President responsible for that unit;
- any other university member who is employed at the university:
  - with a faculty position is the Dean;
  - in other than a faculty position is the Dean of the Faculty, or the Director or equivalent of the unit, in which the university member works;
- a university member who is a student is that student's Program Head;
- any other person who is not an employee of Royal Roads or a student is the Vice-President Academic & Provost or the appropriate Dean or Director as determined by the Vice-President Academic & Provost.

**Closely associated person** means a person related to the university member by blood, adoption, marriage or common-law marriage, or with whom a university member has a close personal, financial, or business relationship; it may also include an individual with whom a university member has had such a relationship.

**Financial interest** means 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 (e.g., stocks, stock options), security or other ownership interests, and intellectual property rights (e.g., patents, copyrights, royalties or carried interests or options related to such rights).

**Personal interest** means the personal, private, or financial interest of a university member or closely associated person or related business.

**Related business** means a business or society in which the university member or any closely associated person:

- has a financial interest;
- acts as a trustee, director or officer;
- acts in a position as an employee, agent or otherwise which includes responsibility for a segment of the operation or management of a business; or
- acts in a position as an employee, agent or otherwise which includes responsibilities for influencing or determining the scientific direction of the corporation.

**Research** means a systematic inquiry for the purpose of gaining new knowledge or new understanding or new application. For the purposes of this policy, research includes all activities and products related to the research and may be generated as part of a research grant, a research contract, a self-funded project, an institutional based consulting contract, an institutional service contract relating to academic matters or any other institutionally based contract other than direct instructional contracts, as well as student research as part of academic programs (e.g., theses, organizational consulting projects, major projects, class assignments, papers, reports, internships, etc.).

**University member(s)** means a Royal Roads' full-time, part-time, and casual employee or contractor, which includes, but is not limited to faculty and associate faculty, a university graduate and undergraduate student, other non-degree student, university post-doctoral fellows, research assistants, visiting workers, visiting professors, adjunct professors, members of the Board of Governors and those otherwise affiliated with or representing the university (e.g., any staff or directors of university-affiliated research centres, entities or facilities either wholly or partly owned or controlled by Royal Roads). In the case of research co-developed and co-led with communities, community members who are involved in conducting the research shall also be considered university members for the purposes of this policy on conflict of interest in research (e.g. research with Indigenous communities).

## RELATED DOCUMENTS

Royal Roads University documents and information:

- Academic Integrity and Misconduct in Research and Scholarship (policy and procedure)
- Conflict of Interest (policy)
- Conflict of Interest in Research (policy)
- Intellectual Property (policy and procedure)
- Research Ethics (policy)
- Standards of Conduct and Service
- Collective Agreements <https://humanresources.royalroads.ca/collective-agreements>

Legislation and Information:

- Freedom of Information and Protection of Privacy Act

## Review, Revision and Approval History

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