

# CONFLICT OF INTEREST POLICY AND PROCEDURES

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Version Control and Change History

Policy Name: **Conflict of Interest Policy and Procedures**

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## 1. Definitions

**Conflict(s) of Interest/Conflict(s)** means an actual, perceived or potential conflict where the personal interests of a person may be in conflict (or perceived to be in conflict) with the interests of Dundalk Institute of Technology (the Institute) and as more specifically described at section 5 of the Policy.

**Line Manager** means the person to whom a person reports to organisationally.

**Policy** means this Conflict of Interest Policy

**Staff** means all employees and full and part time staff of The Institute including but not limited to lecturers, heads of department, , the President, members of the Leadership Team, members of the Governing Body, research staff, postdoctoral researchers, research fellows and senior research fellows, visiting staff, external supervisors of research, contractors involved in research related activities, any person engaged in a consultative capacity, holders of emeritus positions, any other staff involved directly or indirectly in research or related activities including technical, clerical, clinical and administrative staff.

**Students** means all students of The Institute including undergraduate, postgraduate, full and part-time students and student researchers

**Researcher** means either students or staff as defined here.

## 2. Introduction

2.1 The Institute prides itself in the integrity of its teaching, research and all other activities. It is concerned to avoid any actual, perceived or potential conflicts between the interests of The Institute and any personal interests of The Institute staff and students.

2.2 This policy sets out the procedures to be followed by the Institute in respect to actual, perceived or potential conflicts of interest. The Institute encourages staff and students to engage in external activities, many of which are also of benefit to The Institute. On occasion activities may give rise to Conflicts of Interest. This policy seeks to manage these Conflicts of Interest in a manner that is fair to all.

2.3 Staff and students must disclose to The Institute the activities that may give rise to Conflicts. In most cases the notification of Conflict of Interest may be all that is necessary to fulfil the obligation required under the policy, depending on the circumstances. However, there may be occasions where intervention by The Institute will be required to manage that Conflict of Interest

2.4 The purpose of this policy is to set out examples which may give rise to Conflicts of Interest and establish the policy for the notification and management of the Conflict.

2.5 The overarching message is that where there is any uncertainty on the matter the Conflict of Interest should be notified to the Institute authorities as per this policy. The

notifications made under this Policy do not replace or substitute any additional declarations of conflicts that an individual may need to make to third parties or where relevant to the Standards in Public Office Commission.

2.6 Staff are also referred to the internal IP Declaration and Assignment Form, the Grievance Procedure and the Disciplinary Procedure and Code of Conduct.

2.7 This Policy is not intended to undermine academic freedom. This Policy is effected without prejudice toward academic freedom.

### **3. Application and Scope of the Policy.**

3.1 This policy applies to all staff, students and associates<sup>1</sup> of The Institute.

3.2 The policy requires that all individuals must recognise situations in which that person may have a Conflict of Interest. The Conflict of Interest must be disclosed as provided for below.

3.3 If an individual is unsure if this policy may apply to him/her, the matter should be raised to the appropriate Head of School/Department or Line Manager

3.4 Conflicts of Interest arise in many circumstances and are not only linked to Conflicts in research.

<sup>1</sup>For example external members of steering committees for research centres

### **4. Conflicts of Interest**

4.1 As set out above a Conflict of Interest is an actual, a potential or a perceived Conflict of interest. Appendix 2 gives examples of such Conflicts.

4.2 A Conflict of Interest arises when the commitments, duties, independence and objectivity owed by an individual to The Institute are likely to be or may appear to be compromised by a commitment to another body or person (private company; funding body; family member; or a close friend). This includes where the individual may have resulting personal gain or benefit (financial or otherwise) or there may be gain or benefit to a family member or a close friend. A Conflict of Interest may be financial or non-financial.

4.3 A Conflict of Interest may also arise where an individual's judgement with respect to work being carried out for The Institute is unduly influenced by a secondary interest or there is seen to be an incentive to take certain actions by the individual.

4.4 Where there is an appearance of or potential for a Conflict of Interest, even where none arises, the matter should be disclosed. Individuals must consider how a situation may be perceived.

#### **4.4.1 Financial Conflicts**

A financial Conflict of Interest is one, as outlined above, where there is or appears to be an opportunity for personal financial gain or financial gain to a family member or close friend. The financial value is immaterial and financial interest would include anything of monetary value. Any financial interest should be disclosed in accordance with this policy. Also see the Intellectual Property Policy for further information in relation to financial conflicts.

#### 4.4.2 Non-Financial Conflicts

A non-financial Conflict of Interest may include any kind of benefit or advantage, including any form of career enhancement (direct or otherwise), enhancement of education or similar gain for the individual or a to a family member or close friend.

Recognising that it is difficult to anticipate all Conflicts in advance, staff and students are reminded that questions regarding this Conflict of Interest Policy may be made informally and confidentially at any time to Human Resources or the Technology Transfer Office[ **TTO** ] for commercial matters.

## 5. Conflicts of Interest & Research Practice

5.1 From an ethical, integrity and reputation perspective, it is particularly important to the Institute to manage Conflicts of Interest in the context of research. To ensure that there is transparency and integrity in research, The Institute has the right to know if someone working on a research project may have a Conflict. Declaring the Conflict of Interest is a way in which The Institute can ensure that the Conflict of Interest will not interfere with the individual's capacity to conduct independent research and or take advantage of resources available at The Institute.

5.2 Where circumstances come to light that could lead to a Conflict of Interest, a researcher should immediately notify The Institute in accordance with this policy.

## 6. Procedure

6.1 It is the duty of all persons to whom this policy applies to disclose any potential or perceived Conflict of Interest.

6.2 The Conflict of Interest should be reported, as set out below, at the time the Conflict of Interest first arises or the first indication that there may be a perception of a potential for a Conflict.

6.3 The Conflict of Interest should be reported in writing as follows:-

### STAFF

- The staff member should complete the Conflict of Interest Notification form – Appendix 1, and forward to their Line Manager, e.g. Head of School, Head of Dept., Head of Research, Supervisor.

- If the Line Manager has an interest in the matter, the Conflict of Interest should be reported to the person at the next level of authority which could be the President
- Where the Conflict of Interest arises in the context of research, each researcher must make a declaration as to whether they have any personal interest in relation to a proposed sponsor / collaborator or investor or any joint venture or party who may licence IP to or from The Institute.

## STUDENTS

- The student should discuss the situation with his or her Supervisor or Principle Investigator [PI ] where appropriate.
- The student following discussion with the Supervisor or PI should complete the 'Conflicts Of Interest Notification Form' and submit it to their Supervisor

6.4 The Line Manager or person receiving the Conflicts of Interest Notification Form must forward to HR manager where notifications will be entered into the Conflict Register. This register is maintained by the HR department. The Line Manager or person receiving the Conflicts of Interest Notification Form will consult with the HR Manager and append recommendations to this form.

The amended Conflicts of Interest Notification Form will be returned to all interested parties to accept or reject the recommendations.

Where recommendations received in relation to a given Conflict is adhered to then there will be no further Institute accountability to that person, this is subject to full disclosure of the Conflict. It should be noted that this does not remove any external obligations such as legal actions outside of the Institute.

Flowcharts in Appendix 3a-Self Reporting and 3b 3<sup>rd</sup> Party Reporting outline the process by which the reported Conflict will be handled.

The following may be appropriate ways in which to manage the Conflict of Interest but this is not an exhaustive list:-

- Abstention from meetings, decisions, or discussions on certain matters;
- Agreeing not to act as a particular student's supervisor or the appointment of a second supervisor;
- Not sitting on an interview panel & signing the Conflicts Of Interest Notification Form prior to the interview
- Referring to others certain matters for decision;
- Standing aside from any project that creates the Conflict of Interest;
- Declaring the Conflict of Interest to a relevant third party (for example a funding body).

6.5 In many instances there will be nothing further required. The declaration will be recorded in the 'Conflict Register'. The register will be held confidentially and each record will be held for the appropriate duration.

6.6 Human Resource function will provide an annual reminder to all those which this Policy applies of their requirement to disclose any potential or perceived Conflict of Interest.

6.7 Any Conflict of Interest disclosed must be updated as new information becomes available which could affect the previously notified Conflict.

6.8 The Conflict Register will be reviewed at regular intervals by the Leadership Team and an annual report will be provided to the Governing Body by HR.

6.9 The Institute has in place a Conflict of Interest Committee. In the event that a Conflict cannot be adequately resolved by the Line Manager/HR Manager it should be referred to the Conflict of Interest Committee who will issue directions or guidance on the Conflict.

6.10 Any direction of the Conflict of Interest Committee can be appealed to President. The decision of the President shall be final notwithstanding the option to avail of the Institutes grievance procedures.

6.11 Schools/Departments should review Conflict situations which become disclosed at departmental meetings to ensure that the Conflict of Interest is being actively managed.

6.12 With respect to any intellectual property, staff and students are also referred to the Internal IP Declaration and Assignment Form.

6.13 Where a Conflict of Interest concerns Intellectual Property or externally funded projects, the HR Manager will inform the IP Committee of the Notification and the recommendations agreed.

## 7. Role and members of the Conflict of Interest Committee

- Advising The Institute and The Institute School/Departments on Conflicts and the Conflicts of Interest Policy
- Monitoring the Conflicts of Interest and review and revision of the Conflict of Interest Policy where necessary
- Issuing direction or guidance on Conflicts that are referred to the Committee
- Advising on any questions referred to it
- Regular review of the recommendations and audit of the register

Membership of this committee will be :

Head of School

Head of Research and Graduate studies



Head of Innovation and Business Development

VP of Finance and Corporate Affairs.

VP of Strategy, Communications and Development

## 8. Non-Disclosure of Conflict

In the event that there is a non or partial disclosure of a Conflict of Interest, The Institute reserves the right to invoke the Disciplinary Policy in relation to the matter.

## 9. Confidentiality and Freedom of Information

9.1 Conflicts of Interest Notifications may be subject to disclosure under Freedom of Information.

9.2 All Conflicts of interest disclosures and related discussions will be held in confidence to the maximum extent permissible but shall be saved into the Conflict Register. Any personal data shall be held and maintained in accordance with data protection requirements and The Institute's data protection policy.

## 10. Review of Policy

This policy shall be reviewed on a regular basis but at least annually by the Conflict of Interest Committee and recorded in the minutes. Any recommendations for change to the policy should be made to the HR Manager.

**Appendix 1 - Conflict of Interest Notification Form**

NAME: \_\_\_\_\_ POSITION: \_\_\_\_\_

SCHOOL/Department: \_\_\_\_\_

OUTLINE NATURE OF CONFLICT OR PERCEIVED CONFLICT OF INTEREST:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF ANY THIRD PARTY CONNECTED TO CONFLICT

\_\_\_\_\_  
\_\_\_\_\_

I hereby declare the above conflict of interest in accordance with The Institute’s Conflict of Interest Policy. I agree that if necessary I shall take the necessary steps to manage this conflict. I note that recommendations may be made to me with respect to the management of the conflict and where necessary I may be directed to take certain actions. I confirm that I have no other conflicts of interest, other than conflicts which I have disclosed, with respect to any activities carried out by me at The Institute.

Signature: \_\_\_\_\_

Declared to : \_\_\_\_\_

Print Name \_\_\_\_\_ Position: \_\_\_\_\_ Date : \_\_\_\_\_

Recommendation :

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_ and \_\_\_\_\_ Date: \_\_\_\_\_  
Line Manager HR Manager

Recommendations  
Accepted / Rejected Signed : \_\_\_\_\_ Date : \_\_\_\_\_

## Appendix 2 – Examples of Conflict of Interest

The following may be considered as examples of conflicts of interest:

- where a staff member is in a position to exert influence on decisions relating to the Institute in ways that could lead to personal gain or give advantage to his/her associates;
- where a financial interest is held by a staff member in an external enterprise engaged in activities closely related to that individual's activities in the university.
- Where a staff member has a personal involvement in any company which has, or is in the process of negotiating, a contract with the DkIT
- where a staff member has one or more personal interests outside the Institute which could compromise or have the appearance of compromising the staff member's professional judgment in teaching, research & scholarship, administration, management, or other professional activities;
- when a staff member, whether directly or indirectly, has a personal interest in the outcome of deliberations of a Board or Committee or other such structure, in a contract or proposed contract to be entered into by the Institute or an Institute-related body, or is likely to obtain a personal gain as a result of a discretionary decision made by the Institute or an Institute-related body;
- when a staff member is a member of the senior management personnel of a corporation, institution, or body, whether public or private in nature, whose interests may be in competition with those of the Institute;
- when a staff member accepts gifts, gratuities or favours from a firm or corporation engaged in or wishing to engage in transactions with the Institute, except in the case of customary gifts of a nominal value.

These examples are intended to be illustrative and not exhaustive.



