POLICY ON CONFLICTS OF INTEREST IN RESEARCH

Effective Date: March 23, 2009

Originating Office: Office of the Vice-President, Research and Graduate Studies

Supersedes /Amends: n/a

Policy Number: VPRGS-5

PREAMBLE

In accordance with the principles of transparency, accountability and the highest standards of professional conduct expected of members of the University engaged in research, a policy governing conflicts of interest in research is essential.

In addition, as a result of the Memorandum of Understanding on the Roles and Responsibilities in the Management of Federal Grants and Awards entered into by all Canadian universities and the Tri-Council Granting Agencies (the Natural Sciences and Engineering Research Council of Canada, the Canadian Institutes of Health Research and the Social Sciences and Humanities Research Council of Canada), all universities must have a Policy on Conflicts of Interest in Research in order to remain eligible for funding. The Policy must adhere to the guidelines set out in Schedule 14 of the Memorandum of Understanding.

The Policy below forms part of a body of codes, policies, directives and collective agreements which set out standards of good conduct. Externally, these policies and statements include several emanating from the Tri-Council itself. Internally, relevant University polices include Concordia University Code of Ethics – Guidelines for Ethical Actions (BD-4), Policy on Contract Research (VPRGS-1), Policy for the Ethical Review of Research Involving Humans (VPRGS-3), the Academic Code of Conduct and provisions in the relevant collective agreements.

SCOPE

This Policy applies to all faculty members, undergraduate students taking part in research, graduate students, postdoctoral fellows and other personnel involved directly or indirectly in research, including, but not limited to, research associates, technical staff, adjunct professors, visiting professors, and administrators and officials representing the University (“Members”).

Any provision of any University code, Policy or directive which is inconsistent with this Policy is superseded and replaced by the provisions of this Policy.
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However, nothing in this Policy shall replace or supersede any provision set out in any collective agreement to which the University is a party nor shall this Policy be applied in such a way as to detract from the rights of unions to defend the interests of their members and to exercise their rights under a collective agreement. In particular, nothing in this Policy shall be construed as detracting from the rights of a Member or a union from contesting a final decision made pursuant to this Policy in accordance with the grievance provisions of the relevant collective agreement.

PURPOSE

The purpose of this Policy is to:

- promote transparency thereby increasing public trust in the research enterprise;
- create a culture of trust in the research community;
- help to educate Members;
- strive to reduce the negative impact of conflicts of interest; and
- ensure visibility and consistent application of measures to prevent and deal with conflicts of interest.

DEFINITIONS

For the purposes of this Policy, the following definitions apply:

“Conflict of Interest in research” (“COI”) means engaging in activities or situations which place a Member or the University in a real or perceived conflict between their duties or responsibilities related to research and their personal, University or other interests. COI may occur when Members’ or the University’s judgments and actions in relation to research are, or could be, affected by personal, University or other interests, including, but not limited to, business, commercial or financial interests, whether of individuals, a Related Party or of the University itself.

COI includes, but is not limited to, a situation:
(i) where financial, professional or other personal considerations or commitments may compromise or have the appearance of compromising a Member’s judgment in carrying out his/her research activities at the University;

(ii) where a Member is in a position to influence, either directly or indirectly, University research activities in ways that could advance the Member’s own interests, advance or hinder the interests of another Member or the interests of a Related Party to the detriment of the University’s interests, integrity or fundamental mission; or

(iii) where financial or other personal considerations may compromise, or have the appearance of compromising, a Member’s professional judgment in conducting, evaluating or reporting research.

A COI may be real or perceived.

“Disclosure Report” means a report that discloses specific considerations relevant to deciding whether a Member is in a COI situation as outlined in Appendix 1.

“Related Party” means a Member’s immediate family member (spouse, child, parent or sibling), or other person living in the same household, or any other person with whom the Member shares a financial interest, either directly or indirectly.

“Reporting Officer” means the person to whom the Member must submit a Disclosure Report as outlined in Appendix 2.

POLICY

Overall Responsibility for this Policy

1. The Vice-President, Research and Graduate Studies shall have the overall responsibility for the oversight, implementation and administration of this Policy. He/she shall:

   (i) ensure that sound record-keeping and documentation mechanisms are in place for COI disclosures, their management and COI decisions;
(ii) prepare an annual report summarizing, without nominative information, the number of COI disclosures. The report will outline the number of disclosures that required decisions and management and the number that could not be managed and therefore led to a prohibition of an activity;

(iii) ensure that annual education and awareness workshops on COI are held;

(iv) develop appropriate and reliable mechanisms for informing Members about this Policy and its requirements; and

(v) act as the central University resource with respect to any COI issues that may arise.

General Provisions

2. Members are required to disclose, through the filing of a Disclosure Report to a Reporting Officer, the nature and extent of a COI prior to providing or undertaking the activity or service or entering into a situation that may constitute a COI.

3. Until activities, services or situations having COI considerations are disclosed, assessed and dealt with, Members shall not engage in such activities, services or situations.

4. A COI may be permitted where the University determines, in its sole discretion, that the COI can be managed in such a manner that it is compliant with legislation and other regulatory or contractual requirements, protects the integrity, reputation and interests of the University and withstands the test of reasonable and independent scrutiny.

5. All information disclosed by a Member in respect of this Policy will be held in confidence by the University in accordance with the University’s policies and legislative, regulatory or contractual requirements.

6. Each Member is responsible for ensuring his/her compliance with this Policy and its procedures.

7. A Member who fails to disclose circumstances of a COI or who is otherwise not in compliance with this Policy shall be subject to appropriate disciplinary action in accordance with the relevant University Policy or relevant collective agreement.
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Provisions Relating to the Commercialization of Research

8. A Member shall fully disclose his/her interest, the extent of his/her time commitment, and the nature and scope of his/her activity in relation to any direct or indirect economic interest the Member or a Related Party may have or acquire in any enterprise related to his/her research activities. Such disclosure shall be made to a Reporting Officer prior to the commencement of the activity and annually thereafter.

9. When a Member wishes to engage in the commercialization of his/her research findings, he/she shall follow the relevant policies and collective agreement provisions relating to Intellectual Property and thereafter will maintain a clear distinction between University activities and participation in the promotion and commercial development of the invention or patent.

10. When a Member uses his/her research for a commercial enterprise on or off campus, he/she shall not, through the commercial enterprise’s name, publicity or operations, imply that it is associated with or benefits the University unless authorized to do so by a Reporting Officer.

11. In the case where a commercial enterprise in which a Member or a Related Party has an economic interest wishes to employ students of the University, the Member shall first seek authorization from a Reporting Officer.

Procedures for Reporting and Managing Conflicts of Interest in Research

12. Where a Member anticipates a COI, he/she shall file a Disclosure Report, in the form set out in Appendix 1, to the Reporting Officer identified in Appendix 2.

13. Until there has been a determination that there is no COI or that there is a COI but that it may be managed appropriately and therefore, permitted, a Member shall not enter into the activities, services or situations that are the subject matter of the Disclosure Report.

Determination of COI

14. Upon receipt of the Disclosure Report, the Reporting Officer shall immediately send a copy to the Vice-President, Research and Graduate Studies who shall be available for
any guidance that may be required. The Reporting Officer shall review the Disclosure Report and shall determine whether:

(i) no COI exists; or
(ii) a COI exists that is prohibited; or
(iii) a COI exists but that it may be permitted if it is managed and monitored.

15. Prior to rendering a decision, the Reporting Officer may request additional information of the Member regarding the anticipated COI.

16. The Reporting Officer shall inform the Member of his/her decision in writing within fifteen (15) working days following receipt of the Disclosure Report.

17. In the event that the Reporting Officer anticipates himself/herself having a COI in the situation being assessed, the Reporting Officer shall refer the Disclosure Report to the next more senior Reporting Officer for review, as set out in Appendix 2.

18. Where the Reporting Officer has determined that:

(i) there is no COI, the Member shall be free to pursue the activity, service or situation that was the subject matter of the Disclosure Report; or
(ii) there is a COI that is prohibited, the Member shall not pursue the activity, service or situation that was the subject matter of the Disclosure Report; or
(iii) there is a COI but that it can be managed (and therefore permitted), the Member shall be free to pursue the activity, service or situation that was the subject matter of the Disclosure Report but only where an appropriate method of managing and monitoring the COI has been established and the Member has agreed, in writing, to comply with such management and monitoring process.

19. A copy of the Reporting Officer’s decision shall be sent to the Vice-President, Research and Graduate Studies and in a case involving a faculty member to the Department Chair
and Faculty Dean, as well. A copy of the decision shall be placed in the Member’s personnel file.

Review of Reporting Officer’s Decision Requested by the Member

20. Within ten (10) working days from the issuance of the Reporting Officer’s decision, a Member may submit such decision for review to the next more senior Reporting Officer as set out in Appendix 2 (“Reviewing Officer”).

21. The Reviewing Officer shall review the decision of the Reporting Officer and may uphold the decision in its entirety, uphold the decision in part, modify the decision or overrule the decision in whole or in part.

22. Prior to rendering a decision, the Reviewing Officer may request additional information of the Member or the Reporting Officer regarding the anticipated COI.

23. The Reviewing Officer shall inform the Member of his/her decision in writing within fifteen (15) working days following receipt of the review request.

24. A copy of the Reviewing Officer’s decision shall be sent to Vice-President, Research and Graduate Studies, the Reporting Officer and in a case involving a faculty member to the Department Chair and Faculty Dean, as well. A copy of the decision shall be placed in the Member’s personnel file.

25. In the event that the Reviewing Officer anticipates himself/herself having a COI in the matter being reviewed, he/she shall refer the review request to the next appropriate senior Reporting Officer for review as set out in Appendix 2.

Review of Reporting or Reviewing Officer’s Decision by the Vice-President, Research and Graduate Studies

26. Within ten (10) working days from the receipt of the Reporting or Reviewing Officer’s decision, the Vice-President, Research and Graduate Studies may choose to submit such decision for an independent review and recommendation by a three (3) person Ad-Hoc Advisory Committee named by him/her.
27. The Ad-Hoc Advisory Committee shall review the decision of the Reporting or Reviewing Officer and may recommend to the Vice-President, Research and Graduate Studies to uphold the decision in its entirety, uphold the decision in part, modify the decision or overrule the decision in whole or in part.

28. Prior to rendering its recommendation, the Ad-Hoc Advisory Committee may request additional information of the Member and the Reporting or Reviewing Officer regarding the anticipated COI.

29. The Ad-Hoc Advisory Committee’s recommendation shall be made to the Vice-President, Research and Graduate Studies within fifteen (15) working days following receipt of the review request from the Vice-President, Research and Graduate Studies. The Vice-President, Research and Graduate Studies shall render his/her final decision on the matter within five (5) working days of receiving the recommendation.

Adopted by Senate on March 20, 2009

Adopted by the Board of Governors on March 23, 2009
APPENDIX 1- DISCLOSURE REPORT FORM

Appendix 1 to the Policy on Conflicts of Interest ("COI") in Research (VPRGS-5)

To be completed by any Member who anticipates a COI.

SECTION 1: To be completed by the Member

Name of Member____________________________________________________

Date of the present Disclosure _________________________________________

Faculty / Department__________________________________________________

Email address and telephone number_____________________________________

Status/title of Member taking part in research (check one):

Faculty member □
Undergraduate student □
Graduate student □
Post-doctoral fellow □
Research associate □
Technical staff □
Adjunct professor □
Visiting professor □
Administrator □

Other: __________________________
Describe below (or in a separate attached document) the research project in question\(^1\):

_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Describe below (or in a separate attached document) the nature and extent of the COI including all services of situations which could place the Member in a real or perceived COI \(^2\) in accordance with the Policy on Conflicts of Interest ("COI") in Research (VPRGS-5)

_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________

Signature of Member

\(^1\) All information disclosed will be held in confidence in accordance with University policy and legislative, regulatory and contractual requirements.

\(^2\) Until activities, services or situations having COI considerations are disclosed, assessed and dealt with, Members shall not engage in such activities services or situations.
SECTION 2: To be completed by the Reporting Officer

Name and title of Reporting Officer

Date of receipt of the present Disclosure Report

Email address and telephone number

Copy of the present Disclosure Report sent to the Vice-President, Research and Graduate Studies? Yes □ Date sent

No □

Decision of the Reporting officer (check one):

□ No COI exists, the Member is free to pursue the activity, service or situation that was the subject matter of the present Disclosure Report.

□ A prohibited COI exists, the Member shall not pursue the activity, service or situation that was the subject matter of the present Disclosure Report.

□ A COI exists but the Member may pursue the activity, service or situation that was the subject matter of the present Disclosure Report only in accordance with the following conditions and/or instructions and/or method and/or monitoring (or see separate attached document)3:

____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

3 The Member shall agree in writing to the Reporting Officer’s established method of managing and monitoring of the COI.
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Signature of the Member agreeing and consenting to the aforementioned conditions:

___________________________________________________________

Signature                      Date

Date of decision by Reporting Officer ______________________________

Signature of Reporting Officer ________________
APPENDIX 2 – REPORTING OFFICERS

<table>
<thead>
<tr>
<th>Member type</th>
<th>Reporting Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Chair of the Board</td>
</tr>
<tr>
<td>Vice-Presidents</td>
<td>President</td>
</tr>
<tr>
<td>Associate Vice-President</td>
<td>Vice President</td>
</tr>
<tr>
<td>Dean of a Faculty or a School with the exception of the School of Graduate Studies</td>
<td>Provost and Vice-President, Academic Affairs</td>
</tr>
<tr>
<td>Dean of the School of Graduate Studies</td>
<td>Vice-President, Research and Graduate Studies</td>
</tr>
<tr>
<td>Associate Deans or Departmental Chair</td>
<td>Dean</td>
</tr>
<tr>
<td>Faculty Members including adjunct and visiting professors</td>
<td>Associate Dean with responsibility for Research</td>
</tr>
<tr>
<td>Postdoctoral Fellows</td>
<td>Associate Dean with responsibility for Research</td>
</tr>
<tr>
<td>Research staff including research associates and technical staff</td>
<td>Associate Dean with responsibility for Research</td>
</tr>
<tr>
<td>Graduate Students</td>
<td>Associate Dean with responsibility for Research</td>
</tr>
<tr>
<td>Undergraduate Students</td>
<td>Associate Dean with responsibility for Research</td>
</tr>
<tr>
<td>Staff member of an administrative unit within a faculty</td>
<td>Associate Dean with responsibility for Research</td>
</tr>
<tr>
<td>Staff member in an administrative unit outside of a faculty</td>
<td>Vice-President, Research and Graduate Studies</td>
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