

University of Prince Edward Island	Policy Number: govbrdgnl0018	Revision No. 0
Policy Title: Conflict of Interest		Page 1 of 8
Creation Date: April 4, 2018	Version Date: April 4, 2018	Review Date: April 2022
Authority: Board of Governors	Responsibility: Vice-President, Administration and Finance	Access: W

1. Purpose

- 1.1 The purpose of this policy is to define Conflicts of Interest at the University, and establishes procedures to effectively address and manage them. This Policy is intended to set high standards of integrity, professional and ethical conduct among University Members, and enhance public confidence in the University and its Members.

2. Definitions

In this Policy,

- 2.1 **Conflicts Officer** means the following persons designated to address conflict of interest allegations in respect of the corresponding University Members:

University Member	Conflicts Officer
Student	Dean of Faculty
Faculty Member	Dean of Faculty
Chair or Academic Director	Dean of Faculty
Non-Faculty Employee	Administrative Director or equivalent of the unit in which the University Member works
Dean	Associate Vice-President, Human Resources & Legal
Director or equivalent (Non-Faculty)	Associate Vice-President, Human Resources & Legal
Associate Vice-President	Vice-President, Finance & Administration
Vice President	President
President	Chair, Board of Governors
Member, Board of Governors	Chair, Board of Governors
Chair, Board of Governors	Vice-Chair, Board of Governors
Any other University Member who is not an employee or student	Associate Vice-President, Human Resources & Legal

- 2.2 **Closely Associated Person** means:

- 2.2.1 a University Member's spouse, common law partner; parent, stepparent, sibling, child, stepchild, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild;
- 2.2.2 any person living in the University Member's home, or who is dependent upon the University Member;

2.2.3 any person with whom a University Member has a romantic relationship or a close personal friendship or relationship; and

2.2.4 any person with whom a University Member has a financial or business interest or relationship.

2.3 **Research** means all studies, investigations, and scholarly activity of a basic, applied or commercial nature, whether funded from within University, by external sponsors, or self-funded, and the direct or indirect support of the same, that are conducted by University Members under the auspices of the University. Research may include:

2.3.1 Research conducted or directed at University facilities or with the use of University resources;

2.3.2 Research conducted or directed by or under the direction of University Members, or under the direction or sponsorship of the University, wherever conducted.

2.4 **University** means the University of Prince Edward Island, its related companies, institutions and organizations, including any entities it partially or wholly owns or controls.

2.5 **University Member** means Faculty Members, Librarians, employees, and students of the University, both full and part time; members of the University's Board of Governors, any other person who teaches, conducts research, or works or volunteers at or under the auspices of the University (including but not limited to adjunct and sessional Faculty Members, Librarians, program directors, post-doctoral fellows, emeriti and those holding a visiting appointment).

3. **Application**

3.1 This Policy applies to every University Member.

4. **Responsibility**

4.1 The Board of Governors is responsible for establishment and amendment of this Policy.

4.2 The applicable Conflicts Officers are responsible for administration of this Policy.

4.3 The Vice-President, Finance & Administration is responsible for initiating a review of this Policy once every five years.

5. **Conflicts of Interest**

5.1 A **Conflict of Interest** includes any activity, undertaking or situation where a University Member or a Closely Associated Person has a private or personal interest that does or may be perceived to compete with an interest of the

University, or does or may be perceived to influence a University Member's objective exercise of his or her duties to the University.

5.2 A Conflict of Interest includes a conflict of interest that is:

5.2.1 Actual or real, where a University Member's duties are or will be influenced by his or her private interests;

5.2.2 Perceived or apparent, where a University Member's duties may be perceived to be, or appear to be influenced by his or her private interests; or

5.2.3 Foreseeable or potential, where a University Member's duties may be influenced in the future by his or her private interests

5.3 The following are examples of situations where a Conflict of Interest may arise:

5.3.1 Where a University Member has influence over any relationship or potential relationship between the University and a third party in which the University Member or a Closely Associated Person has a business, financial or other interest.

5.3.2 Where a University Member has influence in decisions of a third party doing business with the University.

5.3.3 Where a University Member has a financial interest arising from his or her duties at the University, other than his or her normal compensation from the University.

5.3.4 Where a University Member or a Closely Associated Person is offered or receives any payment, gift or other advantage or benefit from a third party, which may influence the University Member in the conduct of his or her duties (except gifts of a nominal value or as part of social entertainment considered in keeping with good professional ethics).

5.3.5 Where a University Member's own interests (including a personal relationship) compromise his or her ability to instruct or evaluate another University Member in an objective manner.

5.3.6 Where a University Member exploits any power imbalance for his or her personal benefit or interest.

5.3.7 Where a University Member is in a position to influence human resource decisions (including hiring, performance evaluation, promotion, tenure, discipline or termination) or admission decisions with respect to a Closely Associated Person.

5.3.8 Where a University Member lobbies for a Closely Associated Person to become employed by the University.

- 5.3.9 Where a University Member uses confidential information acquired in the course of his or her relationship with the University for non-University activities, unless the information is the University Member's own intellectual property, as determined in accordance with University policy.
 - 5.3.10 Where a University Member's obligations to a third party organization compromise, interfere or compete with the University Member's obligations to the University. This provision does not apply in respect of activities permitted by the Faculty collective agreement, or by academic freedom, or to involvement in any faculty or staff association or union.
 - 5.3.11 Where a University Member is in a position to influence a request for proposals process and the University Member or a Closely Associated Person is involved with one or more of the third parties submitting proposals.
 - 5.3.12 Where a University Member, either as an individual or as part of a third party organization, competes with the University in any activity or matter. This provision does not apply to activities permitted by the Faculty collective agreement.
 - 5.3.13 Any instance where a University Member's professional judgment in carrying out his or her duties is compromised by his or her personal circumstances.
- 5.4 A Conflict of Interest does not include circumstances where, in the opinion of the applicable Conflicts Officer, a University Member or a Closely Associated Person has a private or personal interest so remote or insignificant that it cannot reasonably be perceived to create a conflict.

6. General Rule in Respect of Conflicts of Interest

- 6.1 Except in accordance with this Policy, a University Member shall not participate in a University decision or process where the University Member has a Conflict of Interest.

7. Declaring Conflicts of Interest

- 7.1 A University Member must, at the earliest opportunity, declare in writing a Conflict of Interest to the applicable Conflicts Officer, and remove him/herself from the applicable decision or process.
- 7.2 If a University Member is uncertain whether or not a Conflict of Interest may exist, the University Member shall nonetheless declare in writing the circumstances to the applicable Conflicts Officer.

8. Investigations, Determinations and Appeals in Respect of Conflicts of Interest

- 8.1 Where a Conflict of Interest is declared or reported in respect of a Student,

Faculty Member, Chair, or Academic Director, or Dean:

- 8.1.1 The Conflicts Officer shall investigate and make a determination as to whether or not a Conflict of Interest exists, and the manner in which the situation ought to be addressed.
- 8.1.2 In making a determination, the Conflicts Officer shall consult with and obtain advice from the Associate Vice-President, Human Resources & Legal, as applicable, and in the case of a Conflict of Interest in Research, the Conflicts Officer shall additionally consult with and obtain advice from the Associate Dean, Graduate Studies and Research.
- 8.1.3 A University Member, including a University Member who is subject to a determination made by a Conflicts Officer, may appeal a determination to the Vice-President, Academic & Research. Additionally, the Vice-President, Academic & Research may review any determination, whether or not an appeal has been made.
- 8.1.4 A University Member who is subject to a determination made by the Vice-President, Academic & Research may ask the Vice-President, Academic & Research to review and reconsider the determination.
- 8.1.5 Following the disposition of a review by the Vice-President, Academic & Research, a University Member who is subject to the determination may appeal to the Appeals Committee of the Board of Governors pursuant to the *University Act*.
- 8.2 Where a Conflict of Interest is declared or reported in respect of a Non-Faculty Employee, or Director or equivalent (Non-Faculty):
 - 8.2.1 The Conflicts Officer shall investigate and make a determination as to whether or not a Conflict of Interest exists, and the manner in which the situation ought to be addressed.
 - 8.2.2 In making a determination, the Conflicts Officer shall consult with and obtain advice from the Associate Vice-President, Human Resources & Legal, as applicable.
 - 8.2.3 A University Member, including a University Member who is subject to a determination made by a Conflicts Officer, may appeal a determination to the Vice-President, Finance & Administration. Additionally, the Vice-President, Finance & Administration may review any determination, whether or not an appeal has been made.
 - 8.2.4 A University Member who is subject to a determination made by the Vice-President, Finance & Administration may ask the Vice-President, Finance & Administration to review and reconsider the determination.
 - 8.2.5 Following the disposition of a review by the Vice-President, Finance &

Administration, a University Member who is subject to the determination may appeal to the Appeals Committee of the Board of Governors pursuant to the University Act.

- 8.3 Where a Conflict of Interest is declared or reported in respect of an Associate Vice-President, a Vice-President, the President, a member of the Board of Governors, the Vice-Chair of the Board of Governors, or the Chair of the Board of Governors:
 - 8.3.1 The Conflicts Officer shall investigate, as needed, and make a determination as to whether or not a Conflict of Interest exists, and the manner in which the situation shall be addressed.
 - 8.3.2 A person directly or indirectly affected by a determination made by a Conflicts Officer, including a University Member who is subject to a determination, may appeal a determination to the Conflicts Officer designated to address conflict of interest allegations in respect of the University Member that made the determination.
 - 8.3.3 A University Member who is subject to a determination made on appeal may appeal the determination to the Appeals Committee of the Board of Governors pursuant to the *University Act*.
- 8.4 A request for review or appeal must be made in writing within seven days of the date of the determination, and must include all relevant documentation in support of the appeal or review.
- 8.5 A decision on a review or appeal shall be made in writing.

9. Conflict of Interest Management

- 9.1 Where a Conflicts Officer determines that a Conflict of Interest exists, he or she shall determine if and how the conflict may be managed.
- 9.2 Where the Conflicts Officer determines that a Conflict of Interest may be managed, he or she may authorize a University Member to participate in a decision or process, may direct a University Member to refrain from participating in a decision or process, and in either case, may give directions to address the Conflict of Interest.
- 9.3 Where the Conflicts Officer determines that a Conflict of Interest exists, the following guidelines shall generally apply, subject to such modifications or conditions that the Conflicts Officer deems necessary or advisable:
 - 9.3.1 In circumstances where a University Member, a Closely Associated Person, or a business, organization or undertaking in which a University Member or a Closely Associated Person has an interest is in discussion with the University to enter a contract, a University Member may not participate in the University's decision-making process in respect of the

contract. If the contract is entered into, the University Member must withdraw from any subsequent University decision-making, review or assessment process relating to the contract. The Conflicts Officer may designate an alternate person to replace the University Member in any decision-making process.

- 9.3.2 A University Member shall not participate in any academic or employment related assessment, evaluation or review of a Closely Associated Person.
- 9.3.3 A University Member shall not, when it's avoidable, participate in instruction, supervision, evaluation or advising of any student who is a Closely Associated Person. It is recognized, however, that in some circumstances, it may be unavoidable for a University Member to participate in the instruction or supervision of a Closely Associated Person. In such circumstances, a Conflicts Officer may give directions to manage and mitigate the Conflict of Interest.
- 9.3.4 A University Member shall not participate in decisions concerning the employment at the University (i.e., hiring, termination, evaluation, direct supervision, promotion, compensation or other benefits) of a Closely Associated Person.

10. Conflicts of Interest in Research

- 10.1 This Policy applies to all Research funded by the University, and External Sponsors, and Research that a University Member is funding personally.
- 10.2 The following additional provisions apply to Conflicts of Interest in Research.
- 10.3 Without limiting the generality of the definition of Conflict of Interest contained in this Policy, a **Conflict of Interest in Research** also includes a Conflict of Interest as it relates, directly or indirectly, to any Research activities, projects or programs of, or affiliated with, the University.
- 10.4 Where a Conflict of Interest in Research has been determined, the Conflicts Officer shall advise the Vice-President, Academic & Research, who may, where he or she deems it necessary or appropriate, disclose or direct the University Member to disclose the Conflict of Interest to an external sponsor or agency involved in the Research.
- 10.5 Where a Conflict of Interest in Research has been identified, and conflict of interest or other policies of an external sponsor or agency may also apply, the Conflicts Officer shall determine which applicable policy sets a higher standard for addressing the Conflict of Interest, and shall apply the standard and process contained in that policy.
- 10.6 Where a Conflict of Interest in Research has been identified, the Conflicts Officer, where necessary or appropriate, shall engage the procedures contained in the

Responsible Conduct of Research and Scholarly and Creative Work Policy and any other applicable University policies.

10.7 The following are examples of situations where a Conflict of Interest in Research may arise:

10.7.1 Where a University Member conducts a review, assessment or evaluation of a project or colleague, the outcome of which may affect the University Member's personal interests;

10.7.2 Where a University Member conducts or participates in a research project that may, directly or indirectly, affect his or her financial interests, or those of a Closely Associated Person;

10.7.3 Where a University Member is party to a decision on the part of the University to enter into a research contract or arrangement that may affect his or her financial Interests, or those of a Closely Association Person;

10.7.4 Where a University Member supervises a research associate, post-doctoral fellow, graduate or undergraduate student employed by a business, organization or undertaking in which the University Member has a financial interest;

10.7.5 Where a University Member supervises a graduate or an undergraduate student who is a Closely Associated Person;

10.7.6 Where a University Member uses University resources for private business purposes;

10.7.7 Where a University Member uses information acquired in the course of University activities, which information is not in the public domain, and use of the information may, directly or indirectly, affect his or her personal, Research or financial interests, or those of a Closely Associated Person.

11. Compliance

11.1 Failure to comply with this Policy could result in disciplinary action.

12. University Collective Agreements

12.1 This Policy is intended to complement Conflict of Interest provisions in any collective agreements that the University is party to. In the event of an inconsistency between this Policy and any collective agreement, the collective agreement prevails.