



# Conflict of Interest in Research Guidelines

Committees overseeing research funding and award decisions

## Scholarship, Research and Creative Activity – Vancouver Island University

Effective Date: November, 2018

### A. PURPOSE/RATIONALE

The Scholarship, Research and Creative Activity Office (SRCAO) at Vancouver Island University (VIU) supports and encourages the maintenance of the highest ethical standards in Research and Scholarly Activity. The effectiveness of decision making bodies is contingent upon members fulfilling their roles and responsibilities by conducting themselves at all times in the best interests of the university. This includes, but is not limited to, maintaining the highest ethical standards and avoiding any situation involving conflict of interest while acting as a Committee Member.

Given the complexity of the University's and Committee Members' relationships with external individuals, organizations, and communities, the SRCAO recognizes that conflicts of interest will inevitably occur. A conflict of interest arises from a particular situation. It does not arise from or reflect upon the character of the individuals involved. It is important to identify these conflicts of interest in a timely fashion and to address them as appropriate through a fair, transparent and efficient mechanism.

The purpose of this procedure is to outline the expectations placed on Committee Members overseeing research funding and award decisions.

More specifically, the procedures will:

1. Require that actual, perceived or potential conflicts of interest are disclosed and appropriately considered; and
2. Provide a framework for addressing conflicts of interest in a timely, fair, transparent, consistent and efficient manner

### B. DEFINITION OF CONFLICT OF INTEREST

“Conflicts of Interest” may arise when activities or situations place the Committee Member in a real, potential or apparent conflict between their duties or responsibilities related to committee membership and their personal, institutional or other interests.

For this purpose:

1. A “Real Conflict of Interest” occurs when a Committee Member exercise an official power or performs an official duty or function and at the same time, knows that in the performance of this duty or function or in the exercise of power there is the opportunity to further an interest.
2. A “Potential Conflict of Interest” occurs when there exists some interest that could include the performance of a Committee Member's duty or function or in the exercise of that power provided that he or she has not yet exercised that duty or function.

3. An “Apparent Conflict of Interest” exists when there is a possibility that a reasonable well-informed person is concerned that a conflict of interest exists on the part of the Committee Member.

## C. OTHER DEFINITIONS

For this purpose:

### “Committee”

means any committee whose mandate includes adjudicating research funding or award decisions.

### “Committee Member”

means a person either appointed, elected, or on a committee because of their position.

### “Elected Committee Member”

means the faculty, staff, and students elected by their respective constituency.

### “Appointed Committee Member”

means the faculty, staff, and students appointed by their respective unit’s, department’s, or office’s administrative head.

### “Adjudicator”

means a person identified by the Committee to assist in determining a declaration of conflict of interest.

## D. DECLARATION OF CONFLICT

- D.1 Committee Members must conduct themselves and their affairs in such a manner as to avoid a conflict of interest with their duties as Committee Members. In cases where a conflict cannot be avoided, a Committee Member has an obligation to declare a conflict of interest prior to discussion of or decision on an issue. Upon declaration of a conflict the person recording the events of the meeting should duly note the declaration and the Committee Member must absent himself or herself from the proceedings during discussion or voting on that particular matter, contract or arrangement.
- D.2 Where a Committee Member believes that he or she may be in conflict, that Committee Member should raise the perceived potential of a conflict of interest with the Committee, and the Committee should determine by majority vote whether or not a conflict of interest exists. If the Committee determines that the Committee Member is in a conflict of interest, the Committee Member must act in accordance with section D1 above.
- D.3 Any Committee Member who perceives another Committee Member to be in conflict of interest in a matter under consideration should immediately bring his or her concern to the other Committee member’s attention and request that the conflict be declared. If the other Committee Member in question refuses to declare the conflict, the observing Committee Member should immediately bring his or her concern to the attention of the Committee Chair. If there is a concern with the Committee Chair, the issue should be referred to the Committee

which will determine by majority vote whether or not a conflict of interest exists and the Committee Member perceived to be in conflict should act in accordance with D1 above.

- D.4 Where a conflict of interest is discovered after consideration of a matter, the conflict must be declared to the Committee and appropriately recorded at the first opportunity. If the Committee determines that involvement of said Committee Member influenced the Committee's consideration or decision of a matter, the Committee without further involvement of said Committee Member, shall reconsider the matter and may rescind, vary, or confirm its decision.
- D.5 Where a Committee Member has been declared by majority vote to be in conflict of interest, and that Committee Member is in disagreement with the decision of the Committee, he or she may appeal the decision through the steps outlined in section E below. Until the appeal process is completed, the Committee Member perceived to be in conflict either stands aside on the given issue or continues at risk of acting in conflict and being subject to the associated corrective or preventative action as outline in section F below.
- D.6 At the discretion of the Committee, the Committee may invite the Committee Member in conflict to state his or her position on the issue in question prior to absenting himself or herself.

## E. APPEAL OF DECLARATION OF CONFLICT

- E.1 If the Committee has exhausted all possible means of resolving a conflict of interest declaration and the Committee and the Committee Member in question are still at an impasse, the Committee Member determined to be in conflict may appeal to the Committee in writing. The appeal must be requested within seven business days of the determination of conflict of interest.
- E.2 Committee Chair  
The Committee Chair, in consultation with the Committee in the Committee of the Whole, will make a determination on the conflict of interest appeal. If unable to make a determination, the Committee Chair can refer the appeal to an Adjudicator as outlined in E.3.
- E.3 Adjudicator
1. The Committee Member, in consultation with the Committee, shall identify an adjudicator(s) to make a determination on a perceived conflict of interest;
  2. The Committee shall submit a report to the adjudicator and provide a copy to the Committee Member in question within seven business days of the request of adjudication documenting the nature of the determined conflict, and the background leading to the impasse;
  3. The Committee Member determined to be in conflict shall submit a report to the adjudicator and a copy to the Committee within seven business days of the request for adjudication documenting the nature of the conflict, his/her rational for not being in conflict, and the background leading to the impasse.
  4. The adjudicator(s) shall review the documentation, gather any other additional information required to make an informed decision, and provide the Committee with a

determination on the declaration of conflict of interest within two weeks of receiving the request for adjudication or may, if further review is necessary, request an extension from the parties involved.

5. The adjudicator will, if the conflict of interest is upheld and the appeal denied, recommend to the AVP Scholarship, Research and Creative Activity (AVPSRCA) corrective or preventative action consistent with section F.
6. The adjudicator will, if the appeal is upheld, communicate that decision to the Committee Chair who shall advise the Committee.

#### F. CORRECTIVE OR PREVENTATIVE ACTION ASSOCIATED WITH CONFLICT OF INTEREST

F.1 A second role for the adjudicator(s) is to recommend to the AVPSRCA any corrective or preventative action to be directed to the Committee Member deemed to be in conflict. AVPSRCA shall have the power and ability to impose corrective or preventative action including, without limitation, one or more of the following:

1. a conversation;
2. letter of reprimand;
3. suspension of a Committee Member from the Committee for a determined period of time;
4. recommendation that a Committee Member resign from the Committee;
5. recommendation for removal from the Committee by way of a resolution passed by a vote of at least a 2/3 majority of the Members of the Committee.