

UCD Conflict of Interest Policy



Policy owner UCD Human Resources

Approval date and body GA, 12th December 2018

1. Purpose

University College Dublin is committed to the promotion of an environment which maintains the highest standards of integrity. It is the policy of UCD that all persons engaged in UCD activity have the obligation to manage or avoid ethical, legal, financial or other conflicts of interest and to ensure that their activities and interests do not conflict with their obligations to the University or its welfare.

The University recognises that it has diverse interests and contacts within the local, national and international community. It considers that links between persons engaged in UCD activity and outside bodies are often in the public interest as well as beneficial to the University and to individuals. However, it also recognises that it is possible that such connections may give rise to potential, actual or perceived conflicts of interest.

The University recognises that, in general, individuals will recognise conflicts of interest and will want to ensure that there can be no perception of their receiving an inappropriate advantage and that they do not bring the reputation of the University into disrepute.

UCD expects all third parties and contractors to adhere to the principles outlined in this policy.

This document provides a statement of policy and guidance on situations of potential, actual or perceived conflict of interest having regard to the Ethics in Public Office Acts, 1995, the Standards in Public Office Act, 2001, the Universities Act, 1997, and the Statutes and policies of the University.

Those policies include the Information Technology Services Acceptable Use Policy, Code of Good Practice in Research, Consultancy and External Work Policy, Dignity and Respect Policy, Disciplinary Procedure, Equality, Diversity & Inclusion Policy, Fraud Policy, Grievance Procedure, Employee-Student Relationship Policy and other relevant UCD policies.

In particular, it is not the intention of the University that this policy should undermine academic freedom, as defined in the Universities Act, 1997, under Section 14.

The purpose of this Policy is to:

- assist in identifying conflicts of interest;
- establish a system for disclosure of conflicts of interest;
- provide guidance to those responsible for dealing with conflicts of interest; and to
- assist in the resolution of conflicts of interest in order to protect the University and members of the UCD Community as defined below.

2. Definitions

This Policy applies to all members of the **UCD Community**, which is defined as:

- all UCD employees, whether part-time or full-time, permanent or temporary;
- all employees of UCD's wholly owned subsidiary companies or overseas campuses/offices;
- all registered students of UCD;

- non-University employees who use University funds, facilities or other resources, including the University's name and reputation, to carry out teaching and/or research, and/or participate in UCD-administered research, including retired employees, visiting faculty and researchers; consultants, contractors, affiliated hospital staff, industrial personnel and research fellows, regardless of obligations to other companies or institutions; and
- all persons conducting teaching and/or research at or under the auspices of UCD including at any of UCD's overseas campus, including visiting faculty and researchers; consultants; contractors, Emeritus or adjunct appointments; and research fellows.

The obligations of members of the Governing Authority and its committees in relation to conflicts of interest are described in A Manual of the Structure, Code of Practice and Procedures of the Governing Authority of University College Dublin, National University of Ireland, Dublin. These obligations are informed by principles and provisions contained within the Code of Governance for Irish Universities 2019 and by national legislation.

The term '**conflict of interest**' refers to a conflict between the duties of a member of the UCD Community involved in UCD activities on the one hand and their personal interests on the other.

A member of the UCD Community shall be considered to have an **actual conflict of interest** when they or a Connected Person or Entity (defined below) hold a financial, beneficial or other interest, whether direct or indirect, of which they are aware and which in the opinion of a reasonably informed and well-advised person is sufficient to put into question the independence, impartiality, and objectivity that the said member of the UCD Community is obliged to exercise in the performance of their duties.

A member of the UCD Community shall be considered to have a **perceived conflict of interest** when they or a Connected Person or Entity (defined below) appears to have, in the opinion of a reasonably informed and well-advised person, an interest, financial or otherwise, whether direct or indirect, that is sufficient to put into question the independence, impartiality, and objectivity that they are obliged to exercise in the performance of their duties.

The primary obligation rests with each member of the UCD Community to recognise situations in which they have a potential, actual or perceived conflict of interest and to disclose and discuss that conflict with their Head of School/Institute/Unit. In such circumstances, a member of the UCD Community is required to complete the UCD Declaration of Potential, Actual or Perceived Conflict of Interest form. The full prior disclosure of interests is clearly an important mechanism for the management of conflicts of interest.

If it is established that any inappropriate behaviour as a result of conflict of interest as defined in this policy has taken place, UCD reserves the right to conduct an investigation which may lead to disciplinary action.

Connected Persons and Entities include:

- (a) a spouse, partner or relative;
- (b) an entity external to the University with which the member of the UCD Community is associated;
- (c) a person acting as the trustee of any trust, the beneficiaries of which include the member of the UCD Community or the persons at (a) above or the entity at (b) above; and
- (d) a person acting as a partner (business or personal) of the member of the UCD Community or of any person or body who, by virtue of (a) - (c) above, is connected with the member of the UCD Community.

Some possible examples of **inappropriate behaviour as a result of conflicts of interest** may include:

- 1) A member of the UCD Community using their University position to:
 - a) influence a contract or other favourable terms for a company in which they, or a Connected Person or Entity have an interest;

- b) influence employment, promotion, admission to a course of study, educational progression or other financial or non-financial benefit for a Connected Person or Entity;
 - c) obtain financial or non-financial benefits for themselves or for a Connected Person or Entity in return for providing advantage, or potential advantage.
- 2) A member of the UCD Community compromising research objectivity or independence in return for financial or non-financial benefit for themselves or for a Connected Person or Entity.
 - 3) A member of the UCD Community using University resources or confidential information obtained through their University position for personal financial or non-financial benefit, or for benefit to a Connected Person or Entity.
 - 4) A member of the UCD Community conducting business, employment or activity outside the University which adversely affects their ability to perform their duties.
 - 5) A member of the UCD Community accepting gifts, gratuities or favours from an external organisation engaged in or wishing to engage in transactions with the University, except in the case of customary gifts of a nominal value.

These categories are intended to be illustrative and are not exhaustive. The conflict of interest that can arise as a result of an employee-student relationship is addressed in the Employee-Student Relationship Policy.

3. Scope

The scope of this policy should be interpreted broadly. It covers all members of the UCD Community and refers to potential, actual or perceived conflicts of interest as well as inappropriate behaviours that may result from potential, actual or perceived conflicts of interest.

4. Roles and responsibilities

It is the responsibility of a member of the UCD Community to identify and declare any potential, actual or perceived conflicts of interest, whether financial, beneficial, personal, ethical, legal, or other, so that this does not become a complicating or actionable issue.

In all cases, the member of the UCD Community must disclose in writing and discuss any conflicts with their Head of School/Institute/Unit by completing sections 1-6 of the UCD Declaration of Potential, Actual or Perceived Conflict of Interest form. This form can be downloaded from the UCD HR website and should be submitted to the Head of School/Institute/Unit.

This must occur in good time prior to any commitment being given by the member of the UCD Community or the University.

The form must also be completed when circumstances change in a way that give rise to conflict (for example as a result of changes to the responsibilities of the member of the UCD Community in UCD, changes in the nature of the relationship between an external entity and UCD, or changes in the commitment to an external body). This can present a significant challenge, since circumstances often change gradually and with little formality. It is nevertheless important in the interests and reputation of both the member of the UCD Community and the University that the Head of School/Institute/Unit is informed in advance of any changes to the relationship.

In many cases the disclosure of a potential, actual or perceived conflict of interest and an agreed action plan with the Head of School/Institute/Unit for avoiding or mitigating the conflict of interest may in itself be sufficient. In a minority of cases where the potential conflict is deemed serious and cannot be effectively managed, it may be necessary to discontinue one of the conflicting activities.

Specific Duties of Heads of School / Institute / Unit

- 1) To respond in a timely manner to requests for advice from a member of the UCD Community as to whether a potential, actual or perceived conflict of interest exists or may exist and/or how it might best be managed.
- 2) To consider any instances where a potential, actual or perceived conflict of interest may exist and to take appropriate measures to protect UCD and the member of the UCD Community involved (see examples in Appendix 1).
- 3) To consider the submission and advise on how the potential conflict can be managed by completing the action plan section of the UCD Declaration of Potential, Actual or Perceived Conflict of Interest form and signing same. In the course of considering cases of potential, actual or perceived conflicts of interest, the Head of School/Institute/Unit may consult with the Head of Financial Management, Head of Human Resources and/or Heads of central University Support Units as appropriate. Members of the University Management Team (UMT) may also be called upon for support and advice where necessary.
- 4) To keep the signed declaration form on file so that there is a written record that the conflict was reported and describing how the conflict was dealt with. Each Head of School/Institute/Unit shall keep a file entitled "Conflicts of Interest" in which all completed declaration forms are kept for safe-keeping. A copy of the signed form should be forwarded to UCD Legal for administrative and recording purposes and to the Director of HR, the Bursar and/or Vice President of Research, Innovation and Impact for noting where the conflict relates to HR, Finance and/or Research and Innovation respectively.
- 5) In the instance where the potential, actual or perceived conflict involves the Head of School / Institute / Unit, the member of the UCD Community must disclose in writing and discuss any potential conflicts with their College Principal or member of the UMT as appropriate. In instances where the conflict involves a member of the UMT, the member of the UCD Community must disclose in writing and discuss any potential conflicts with the University President. In these instances, the member of the UCD Community and the relevant senior management figure shall complete the declaration form.

5. Related documents

This policy is underpinned by national legislation:

- Universities Act, 1997
- Ethics in Public Office Act, 1995
- Standards in Public Office Act, 2001

In addition, this policy references the Governance of Irish Universities, 2012 (HEA and IUA).

A member of the UCD Community must comply with the institutional policies of the University when undertaking research, educational and administrative activity (i.e. HR, Finance, Health & Safety, Procurement, Legal, Ethics and IP policies etc.).

6. Version history

The University Management Team has agreed that the implementation of the Conflict of Interest Policy at University College Dublin will be monitored and kept under review.

Policy Revision History

Version	Date	Description	Author
1.0	22/12/2015	Approval by GA	UCD Research & Innovation / UCD HR
2.0	12/12/2018	Approval by GA	UCD Research & Innovation / UCD HR

Appendix 1: Illustrative Examples of Conflict of Interest and potential measures to resolve cases

Example 1:

A member of the UCD Community is due to take part in the negotiation of a contract between the University and a company where they or a Connected Person or Entity has a financial or non-financial interest (e.g. a directorship) in that company.

Potential recommendation: The member of the UCD Community should excuse themselves from the negotiation of the contract and any decision making in relation to this contract.

Example 2:

A member of the UCD Community has a senior editorial position with a commercial journal and is also on a University library committee that recommends journal subscriptions.

Potential recommendation: The member of the UCD Community should declare the conflict of interest and excuse themselves from the decision-making process.

Potential measures to be undertaken

Below is a broad range of options for avoiding or mitigating a conflict of interest. The options (listed roughly in order of lowest to highest severity) include:

- declaring the potential, actual or perceived conflicts of interest but taking no further action;
- enquiring as to whether all affected parties will consent to the person's involvement;
- seeking a formal exemption to allow participation (if such a legal power applies);
- imposing additional oversight or review over the person with the conflict;
- refraining from examining, supervising or advocating on behalf of a student where a personal relationship exists;
- withdrawing from discussing or voting on a particular item of business at a meeting;
- absenting oneself from any meetings or discussions in relation to a student where a personal relationship exists;
- exclusion from a committee or working group dealing with the issue;
- re-assigning certain tasks or duties to another person;
- agreement or direction not to do something;
- withholding certain confidential information, or placing restrictions on access to information;
- transferring the person (temporarily or permanently) to another position or project;
- relinquishing the private interest; or
- resignation or dismissal from one or other position or entity.