



Code: QA413  
Title: **Conflict of Interest and Conflict of Commitments**  
Date: 30 April 2013  
Approval: Údarás na hOllscoile, APRC, Support Services Committee, Research Committee and UMT

## 1.0 Purpose

The purpose of this Policy is to;

- inform University Members of the University's policy in relation to Conflicts and how such Conflicts are to be managed.
- identify situations which may generate Conflicts;
- provide a means for University Members and the University to manage Conflicts;
- promote the best interests of the University and those whose work depends on University Members' direction; and
- describe situations which are prohibited.

**The most important principle is that Conflict must be recognised, disclosed and managed.**

The policy cannot be exhaustive and cannot outline all scenarios where a Conflict may occur. Therefore, where there is a doubt as to whether a Conflict exists or not, the matter should be disclosed as outlined in this Policy.

## 2.0 Description

### 2.1 Scope

This Policy sets out circumstances which can create real or perceived Conflicts for University Members. It also sets out the rules that govern avoidance and/or management of any such Conflicts.

Conflicts may arise where University Members have commitments to activities outside of the University, whether paid or not. For example a Conflict may exist as a result of;

- an inappropriate division of time and energies between the University and external activities; or
- a University Member gaining financially from a transaction between an external entity and the University; or
- use of University funds or other resources to realise personal gain; or
- a University member engaging in research which results in "spin out" activity or partnership with commercial entities; or
- a University Member finding themselves in a position of undue influence relating to (for example), family members, friends and colleagues and in interview situations.

### 2.2 Definitions

- **"Committee"**  
The Conflicts of Interest and Commitment Committee, as defined below.
- **"Conflict"**  
A Conflict of Commitment and/or a Conflict of Interest, as defined below.

- **“Conflict of Commitment”**

University Members owe their primary professional allegiance to the University, and their primary commitment of time and intellectual energies should be to the education and research programmes of the University. The specific responsibilities and professional activities that constitute an appropriate commitment will differ according to the full-time or part-time nature of an individual's employment. They should be based on a general understanding between the individual and their School Head, superior or line manager.

Even where there is a general understanding in place, efforts of University Members to balance responsibilities to the University, including students and colleagues, with external activities can result in conflicts regarding allocation of time and energies. Whenever a University Member's outside activities exceed the permitted limits (Academic Staff should refer to <http://www.nuigalway.ie/registrar/Forms.html>), or whenever his or her primary professional loyalty is not to the University, a conflict of commitment exists.

- **“Conflict of Interest”**

A conflict of interest occurs when there is a divergence between an individual's private interests and his or her professional obligations to the University such that an independent observer might question whether the professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A conflict of interest depends on the situation, and not on the character or actions of the individual. It is to be examined objectively by reference to the particular situation and not subjectively by reference to the character and reputation of the individual. A conflict of interest can also occur where the University as a body or an entity within the University is in a similar divergent position.

In a modern research University, such as NUI Galway, situations where conflicts of interest may arise are not uncommon. Conflicts of interest can arise from part of the University's mission being to promote the public good by fostering the transfer of knowledge gained through University research. Two important means of accomplishing this mission include consulting and the commercialisation of technologies and knowledge derived from research. It is appropriate and it is national and University policy that University Members be rewarded for their participation in these activities. It is wrong, however, for an individual's actions or decisions made in the course of his or her University activities to be determined by considerations of personal financial gain. Such behaviour calls into question the professional objectivity of the individual, and it also reflects negatively on the University.

- **“Conflicts of Interest and Commitment Committee”**

A standing committee, appointed by the Vice-President of Research, with broad representation from the different disciplines at the University, as follows: The Vice-President for Research (who acts as Chair of the Committee), Two Deans (who shall not sit for consecutive terms), the Executive Director of Operations, Rúnaí na hOllscoile and the University Solicitor. The committee shall make determinations on issues potentially involving Conflicts. If any matter arises, where any individual member of the Committee could be considered to be themselves in Conflict relating to that particular matter, then another Dean will be invited to act as a member of the committee for the individual matter only.

- **“University Members”**

All employees (whether full or part-time), academic staff, researchers, visiting staff, adjunct appointments or researchers and Students, participating in or responsible for, or in a position to influence or benefit from the conduct of education or research programmes carried out for the University or undertaken using University Assets and all other people that use University Assets.

- **“Policy”**

This Conflicts of Commitment and Conflicts of Interest Policy.

- **“University Assets”**

All assets of the University including but not limited to facilities, materials, know how, confidential information or Intellectual Property of the University.

### **3.0 General Principles**

Every University Member is expected to accord the University his or her primary professional loyalty, and to arrange outside obligations, financial interests, and activities so as not to conflict or interfere with this commitment to the University. The primary duties of University Members are teaching at the University and conducting scholarly research under the University's sponsorship, and meeting obligations to Students and colleagues as appropriate.

Notwithstanding the nature of the relationship between the University and University Members the involvement of University Members in outside professional activities, such as consulting, public service or pro bono work, may be permitted.

(Academic Staff should refer to <http://www.nuigalway.ie/registrar/Forms.html>).

Such activity often serves not only the participant but the University as a whole. Notwithstanding this allowance to undertake outside professional activities the University recognises that in certain circumstances Conflicts may arise.

The University has chosen to enunciate broad guidelines on Conflicts and to place the onus of seeking advice on issues that might reasonably appear to pose significant conflicts on individual University Members. It is assumed that all University Members will be alert to the possible effects of outside activities on the objectivity of their decisions, their obligations to the University, and the University's responsibilities to others.

### **4.0 Guidance**

- 4.1 University Members owe their primary allegiance to NUI Galway. For example, a full-time University Member must not have significant outside responsibilities nor act as a investigator on sponsored projects which could be conducted at NUI Galway but instead are submitted and managed through another institution other than if it has been approved pursuant to the existing "Private Consultancy Work for Full-time Members of Academic Staff" policy.  
[www.nuigalway.ie/registrar/Forms.html](http://www.nuigalway.ie/registrar/Forms.html)
- 4.2 University Members must foster an atmosphere of academic freedom by promoting the open and timely exchange of results, ensuring that scholarly activities are not impeded by commercial interests.
- 4.3 University Members may not use University resources, including facilities, personnel, equipment, or confidential information, as part of their outside activities or for any other purposes that are unrelated to the education, research, and public service missions of the University. However, entities may have concluded agreements with the University allowing them to use University resources and University Members may use those University Resources provided that such use is mandated by an agreement with the University.
- 4.4 University Members must disclose to the University whether they (or members of their immediate family) have consulting or employment relationships with and/or financial interests in another entity before the University will approve the following proposed arrangements between such an entity and the University, involving the University Member including but not limited to: a) gifts; b) sponsored projects; c) technology licensing arrangements; and d) procurements. In such cases, approval by the relevant Head of School or line manager will be required prior to entering into each proposed arrangement.
- 4.5 Advice on conflicts may be sought from the Conflicts of Interest and Commitment Committee.

### **5.0 Process**

- 5.1 If a University Member is engaged in an activity or becomes aware of an activity (personally, in association with others or at a University corporate level) that could reasonably appear to present Conflict, he or she must disclose this possibility as early as possible (and preferably before any Conflict arises) to the Vice-President for Research or Rúnai na hOllscoile, (both being

members of the Conflicts of Interest and Commitment Committee). Following notification, the Committee will meet and discuss details of the proposed Conflict, and if it is deemed necessary after consultation with the University Member concerned, make a number of recommendations, including for example i) requiring that the University Member to modify his or her activities appropriately, ii) appointing persons to oversee the matter at issue, iii) requiring the open and timely dissemination of results by a particular date and in a particular format.

Whenever a University Member has any doubts about whether an activity may involve a Conflict they are expected to seek such consultation. In order to facilitate such consultation the Committee may be contacted initially at [conflictcommittee@nuigalway.ie](mailto:conflictcommittee@nuigalway.ie). Guidance on Conflicts that should be discussed or disclosed is provided at 9.0 below.

5.2 Should a University Member wish to appeal a decision made by the Committee, he or she may present the appeal to the Registrar and Deputy President of the University, who will consider the case in consultation with the University Management Team. The decision of the Registrar shall be final.

## 6.0 Whistleblowing

This Policy will be amended in due course to reflect new legislation (The Protected Disclosures in the Public Interest Bill 2012), when enacted. In the meantime, University Members should raise issues directly with an Rúnaí who will investigate the matter and take such action as is necessary.

## 7.0 Responsibilities

Name	Responsibility
UMT	Policy Owner
All University Members	Compliance with Policy
Heads of Units, Heads of Colleges, Heads of Schools and all in positions of responsibility.	Ensuring Implementation of the Policy
Vice-President for Research in consultation as appropriate with the Registrar and Deputy President and an Rúnaí	Interpretation and overall coordination of the Policy.

## 8.0 Related Documents

Private Consultancy Work for Full-time Members of Academic Staff  
[www.nuigalway.ie/registrar/Forms.html](http://www.nuigalway.ie/registrar/Forms.html)

## 9.0 Guidance on Conflicts to be Discussed

In the absence of specific rules (beyond the requirement of consultation), and due to the difficulty of applying general statements of principle to specific cases, there follows a sampling of activities and situations that may present as a Conflict.

They are divided into three categories:

**A. Activities which, unless disclosure is mandated by University-wide policies or external policies to which the University or the University Member has agreed to abide in particular instances, are generally permissible and do not require disclosure.**

- Acceptance of payments for published scholarly works and other writings, and of honoraria for commissioned papers and occasional lectures. Payments/Honoraria from a single organisation in any 12 month period exceeding €500 must be discussed with the Conflicts of Interest and Commitment Committee.
- Service as a consultant to outside organisations, provided that the time and energy devoted to the work is not excessive and in total does not exceed a total of 22 days as a maximum. [Reference should be made to "Private Consultancy Work for Full-time Members of Academic

Staff" from which the limit is drawn and which limit is applied generally for the purposes of this Policy. <http://www.nuigalway.ie/registrar/Forms.html> ]

- Service on the boards and committees of organisations so long as it does not distract unduly from University obligations.

**B. Activities which should be discussed even though the problems they present can probably be resolved, often simply by ensuring that the appropriate authorities know all pertinent facts.**

- Relationships that might enable a University Member to influence NUI Galway's dealings with an outside organisation in ways leading to personal gain or to improper advantage for anyone. For example, a University Member could have a financial interest in an enterprise with which the University does business and be in a position to influence relevant business decisions. Ordinarily, such problems can be resolved by full disclosure and by making arrangements that clearly exclude that University Member from participating in the University's decisions.
- Situations in which the time or creative energy a University Member devotes to extramural activities appears large enough to compromise the amount or quality of his or her participation in the full-time instructional, scholarly, and administrative work of the University itself.
- Activities (research projects, conferences, teaching programs, consulting agreements, etc.) that University Members wish to undertake on an individual basis: (a) that involve or might reasonably be perceived to involve the University, however slightly, and (b) that violate or might reasonably be perceived to violate any of the principles governing research supported by funds administered through the University insofar as these principles are relevant.
- Situations in which a University Member directs students into a research area from which the University Member hopes to realise financial gain. The difficulty, in such circumstances, of making an objective independent judgment about the student's scholarly best interest, is obvious. This might arise where a University Member is a Principal Investigator on a project and also a shareholder in a commercial "spin out" from that project.

**C. Activities which should be brought to the attention of the Committee Chair and which appear to present such significant problems that the burden of demonstrating their compatibility with University Policy rests with the University Member.**

- Situations in which the University Member assumes executive responsibilities for an outside organisation that might seriously divert his or her attention from University duties, or create other Conflicts. (Individuals should consult the Committee Chair before accepting any outside management position.)
- Use for personal profit of unpublished information emanating from University research or other confidential University sources, or assisting an outside organisation by giving it exclusive access to such information; or consulting under arrangements that impose obligations that conflict with the University's IP Policy or with the University's obligations to research sponsors.
- Circumstances in which a substantial body of research that could and ordinarily would be carried on within the University is conducted elsewhere to the disadvantage of the University and its legitimate interests.
- Any activity (research project, conference, teaching program, consulting agreement, etc.) that a University Member may wish to undertake on an individual basis: (a) that involves or appears to involve the institution significantly (for example, through the use of its resources or facilities, or the participation of colleagues, students, and staff, etc.); and (b) that violates any of the principles governing research supported by funds administered through the University insofar as these principles are relevant. (In particular, University Members may not give other organizations the right to censor research any part of which is performed under NUI Galway's auspices.)

**Note:** This list of examples is not exhaustive and the separation into categories is somewhat arbitrary. Individual University Members must use professional discretion when assessing Conflicts associated with the activities they are involved in.