

## Conflict of Interest, Procedure for

<b>Classification</b> Human Resources	<b>Table of Contents</b>  1 Purpose ..... 1 2 Scope..... 1 3 Definitions ..... 1 4 Procedure..... 3 5 Parent Policy..... 5 6 Related Policies..... 5 7 Related Guidelines/Forms..... 5 8 Related Information..... 5 9 History..... 6
<b>Approval Authority</b> President	
<b>Implementation Authority</b> Vice-President (Services)	
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- 1 Purpose** This procedure sets out the process for disclosing, documenting and managing Conflict of Interest as set out in the University’s Code of Conduct. There are additional conflict of interest obligations for Researchers in the Research Integrity Policy. There may also be additional conflict of interest obligations for individuals participating in University committees, boards or panels as set out in the applicable terms of reference.
- 2 Scope** This procedure applies to Academic Staff Members, Appointees, Employees, Volunteer Appointees and Researchers.
- 3 Definitions** In this procedure:
- a) “Academic Staff Member” means an individual who is engaged to work for the University and is identified as an Academic Staff Member under Article 1 of the applicable Collective Agreement.
  - b) “Appointee” means an individual who is engaged to work for the University, or whose work is affiliated with the University, through a letter of appointment, including adjunct faculty, clinical appointments, visiting researchers and scholars.
  - c) “Collective Agreement” means any collective agreement between the Governors of the University of Calgary and (i) the Faculty Association of the University of Calgary, (ii) the Alberta Union of Public Employees, (iii) the Graduate Students’ Association of the University of Calgary or (iv) any other association or union representing Employees, in each case, in effect at the relevant time.
  - d) A “Conflict of Interest” exists when, in the course of carrying out their University responsibilities, an individual takes any action where they know or ought to know that

the action may result in an actual or perceived Private Benefit to them or to a Related Person or Related Entity, including:

- i. the individual takes part in a decision in the course of carrying out their University responsibilities, where they know or ought to know that the decision may result in an actual or perceived Private Benefit to them or to a Related Person or Related Entity; or
  - ii. the individual uses their position with the University to influence or seek to influence a University decision which they know or ought to know may result in an actual or perceived Private Benefit to them or to a Related Person or Related Entity; or
  - iii. the individual communicates information that they know or ought to know is not available to the general public and is obtained by the individual in the course of carrying out their University responsibilities or as a result of their University position in order to obtain or seek to obtain a Private Benefit for the individual or for a Related Person or Related Entity.
- e) “Dean” means the head of a faculty at the University or the head of the University’s Qatar Campus, or for Academic Staff Members who are not members of a faculty, the most senior administrative person of their school or other unit.
- f) “Employee” means an individual, other than an Academic Staff Member or Appointee, who is engaged to work for the University under an employment contract.
- g) “Manager” means:
- i. for the President, the chair of the University’s Board of Governors;
  - ii. for an Academic Staff Member, Appointee or Employee of the University of Calgary (other than the President), the SLT Member who has management responsibility for the faculty, department or unit of which the Academic Staff Member, Appointee or other Employee is a member;
  - iii. for an Employee (other than the chief executive officer) of a subsidiary of the University, the chief executive officer of the subsidiary;
  - iv. for the chief executive officer of a subsidiary of the University, the SLT Member who has management responsibility for the subsidiary;
  - v. for the chair of the University’s Board of Governors, the chair of the Audit Committee of the University’s Board of Governors; and
  - vi. for any other Volunteer Appointee, the chair of the University’s Board of Governors, committee of the Board, Senate or University Alumni Board of Directors, as applicable.
- h) “Private Benefit” means a financial benefit, a personal benefit or furthering a private interest (and includes the avoidance of a negative consequence) other than a financial benefit, a personal benefit or a private interest that;
- i. of general application;
  - ii. affects a person as a member of a broad class, such as Academic Staff Members; or
  - iii. is inconsequential.
- i) “Related Entity” means:
- i. a public corporation of which the individual is a director or officer or the beneficial owner of more than 5% of the outstanding shares of any class;
  - ii. a ‘for-profit’ private corporation of which the individual is a director or officer;

- iii. a 'for-profit' private corporation of which the individual is the beneficial owner of shares in the corporation, except:
  - 1. an association as defined in the *Co-operatives Associations Act*;
  - 2. a credit union incorporated under the *Credit Union Act*;
  - 3. a co-operative credit society incorporated by or under an Act of the parliament of Canada; or
  - 4. the United Farmers of Alberta Cooperative Limited;
- iv. a non-profit corporation or an association of which the individual is a director or officer; and
- v. a partnership of which the individual is a partner or of which one of the partners is a Related Entity of the individual by reason of clause (i),(ii), (iii) or (iv) above.
- j) "Related Person" means an individual who is directly associated with another individual and includes:
  - i. a parent, sibling and child of the individual;
  - ii. a spouse or domestic partner of the individual; and
  - iii. any other person who is directly associated with the individual.
- k) "Research" means an undertaking intended to extend knowledge through disciplined inquiry or systematic investigation. The conduct of Research includes applying for and managing funds, collecting and analyzing data, and disseminating results.
- l) "Researcher" means an individual who undertakes Research under the auspices of or in affiliation with the University regardless of the source of funding.
- m) "SLT Member" means an Employee who, at the relevant time, is designated as a member of the Senior Leadership Team.
- n) "University" means the University of Calgary and its subsidiaries.
- o) "Volunteer Appointee" means a member of the University's Board of Governors or a committee of the Board of Governors, a member of the Senate or a member of the Board of Directors of the University Alumni Association.

## 4 Procedure

### Conflict of Interest

- 4.1 The University recognizes that Conflict of Interest will occur. Conflict of Interest will be disclosed and managed in a fair, open and practical manner.
- 4.2 An individual engaging in an activity or situation that involves a Conflict of Interest will report the Conflict of Interest so that it may be assessed and, when appropriate, managed.

### Academic Staff Members

- 4.3 Academic Staff Members have an ongoing obligation to disclose to their Dean, in writing, any time a Conflict of Interest arises.
- 4.4 In particular, Academic Staff Members will disclose any Conflict of Interest relating to outside professional activity, hiring, promotion and tenure to their Dean in accordance with the applicable Collective Agreement provisions.
- 4.5 Academic Staff Members may have additional conflict of interest obligations and disclosure requirements in their role as Researchers as set out in 4.25 and 4.26.

- 4.6** The Dean will assess the Conflict of Interest and determine whether:
- a) there is a Conflict of Interest;
  - b) the Conflict of Interest may be managed as an allowed Conflict of Interest; or
  - c) the Conflict of Interest is not able to withstand reasonable and independent scrutiny.
- 4.7** If the Dean determines that there is not a Conflict of Interest, the Dean will indicate in writing that there is no Conflict of Interest.
- 4.8** If the Dean determines that there is a Conflict of Interest that may be managed, the Dean will work with the Academic Staff Member to determine an appropriate conflict management plan.
- 4.9** Details of the conflict management plan will be documented and signed by the Dean and the Academic Staff Member.
- 4.10** If the Dean determines that there is a Conflict of Interest that cannot be appropriately managed, the Academic Staff Member will be required to take steps to eliminate the Conflict of Interest. The steps taken to eliminate the Conflict of Interest will be documented and signed by the Dean and the Academic Staff Member.
- 4.11** If a Dean has a financial or personal interest in the Conflict of Interest being assessed the Conflict of Interest will be assessed by the next appropriate senior reporting officer.
- 4.12** The Dean will keep all records required by this procedure in accordance with University document retention rules.
- 4.13** The Dean will administer or delegate the implementation and ongoing monitoring of the conflict management plan.

#### **Employees, Appointees and Volunteer Appointees**

- 4.14** Employees and Appointees with the authority to approve expenditures (including purchasing) or contracts on behalf of the University or the authority to approve the hiring of an individual on behalf of the University are required to complete the Conflict of Interest Disclosure Form annually. The Conflict of Interest Disclosure Form will be submitted no later than January 31 each year.
- 4.15** All Employees, Appointees and Volunteer Appointees are required to complete a Conflict of Interest Disclosure Form any time a new Conflict of Interest arises. A Volunteer Appointee who is subject to substantially similar Conflict of Interest disclosure requirements as a result of being a member of the University's Board of Governors or a committee of the Board of Governors, a member of the Senate or a member of the University Alumni Association Board may fulfill their obligations under this 4.15 by complying with those substantially similar Conflict of Interest disclosure requirements if the Conflict of Interest arises in their role as Volunteer Appointee.
- 4.16** The Employee, Appointee or Volunteer Appointee will submit the Conflict of Interest Disclosure Form to their Manager who will assess the Conflict of Interest and determine whether:
- a) there is a Conflict of Interest;
  - b) the Conflict of Interest may be managed as an allowed Conflict of Interest; or

c) the Conflict of Interest is not able to withstand reasonable and independent scrutiny.

**4.17** If the Manager determines that there is not a Conflict of Interest, the Manager will sign the Conflict of Interest Disclosure Form indicating that there is no Conflict of Interest.

**4.18** If the Manager determines that there is a Conflict of Interest that may be managed, the Manager will work with the Employee, Appointee or Volunteer Appointee to determine an appropriate conflict management plan.

**4.19** Details of the conflict management plan will be documented and signed by the Manager and the Employee, Appointee or Volunteer Appointee.

**4.20** If the Manager determines that there is a Conflict of Interest that cannot be appropriately managed, the Employee, Appointee or Volunteer Appointee will be required to take steps to eliminate the Conflict of Interest. The steps taken to eliminate the Conflict of Interest will be documented on the Conflict of Interest Disclosure Form.

**4.21** If a Manager has a financial or personal interest in the Conflict of Interest being assessed the Conflict of Interest Disclosure Form will be assessed by the next appropriate senior reporting officer or the Chair of the Board of Governors, as applicable.

**4.22** The Manager will keep all records required by this procedure in accordance with University document retention rules.

**4.23** The Manager will administer or delegate the implementation and ongoing monitoring of the conflict management plan.

**4.24** Employees and Appointees may have additional conflict of interest obligations and disclosure requirements in their role as Researchers as set out in 4.25 and 4.26.

**Researchers**

**4.25** Academic Staff Members, Employees and Appointees who engage in Research will comply with any additional conflict of interest requirements of the Research Integrity Policy, the applicable funding agency, the applicable research agreement and any additional standards set pursuant to 4.26.

**4.26** The Vice-President (Research) has the authority to set additional standards for the disclosure and management of conflicts of interest related to Research.

<b>5</b>	<b>Parent Policy</b>	<a href="#"><u>Code of Conduct</u></a>
<b>6</b>	<b>Related Policies</b>	<a href="#"><u>Research Integrity Policy</u></a>
<b>7</b>	<b>Related Guidelines/Forms</b>	<a href="#"><u>Conflict of Interest Disclosure Form</u></a> <a href="#"><u>Disclosure of Financial Conflicts of Interest: US Public Health Services Funding, Guideline for</u></a>
<b>8</b>	<b>Related Information</b>	<a href="https://research.ucalgary.ca/conduct-research/ethics-compliance"><u>https://research.ucalgary.ca/conduct-research/ethics-compliance</u></a>

**9 History**

April 15, 2017	Effective.
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January 1, 2020	Editorial Revision. Updated format and links.
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