



Polasaí agus Nósanna Imeachta/Policies and Procedures

Code	QA413
Title	Conflict of Interest Policy
Policy Owner	Bursars
Date	UMT 28th January 2022, FRC 15 February 2022 & Údarás na hOllscoile 1st March 2022.
Approved By	University Management Team (UMT)

1 Purpose

1.0 The purpose of this policy is to set out the procedure for identifying, disclosing, monitoring, and managing actual and potential Conflicts of Interest by:

- Setting out the University's policy in relation to Conflicts and how such Conflicts are to be managed;
- Identifying situations which may generate Conflicts;
- Providing a means for University Members and the University to manage Conflicts;
- Promoting the best interests of the University and those whose work or study or research depends on University Members' direction; and
- Describing situations, which are prohibited.

1.1 The University is committed to building an academic and professional environment that is underpinned by the highest standards of integrity. It is understood that in a healthy and vibrant community, Conflicts of Interest will arise. Equally, it is acknowledged that it is likely for individuals to whom this policy pertains to have external interests, which run parallel to or have no connection to the interests of the University.

1.2 When a Conflict of Interest arises, the important thing is that they are managed appropriately under the terms of this policy. In the vast majority of cases simple disclosure of potentially conflicting activities is sufficient. In circumstances where it is not the University under the terms of this policy and decisions of the Conflict Reviewer or Conflicts of Interests Committee may provide options for management of the activity so that it avoids a conflict. In extreme cases the conflict of interest may be so fundamental that it is unmanageable, and it becomes necessary to restrict one or more of the University Member's activities.

1.3 The policy cannot be exhaustive and cannot outline all scenarios where a conflict may occur. Therefore, where there is a doubt for a University Member as to whether a conflict exists or not, the matter should be disclosed in the first instance to the COI Reviewer and thereafter if needed it may be escalated to the Conflicts of Interest Committee as outlined in this Policy.

2 Definitions

"COI Reviewer"

The appropriate persons(s) for assessing, adjudicating and resolving matters pertaining to Conflicts of Interest. See section [6] (*roles and responsibilities*) for further details on the relevant persons. The COI Reviewer can be either the individual's line manager, Unit Head,

Director of Professional Services, Head of School, Dean, or similar as appropriate to the circumstances of the issue. The key principle is that the Conflicts of Interest is disclosed to another University employee in a position of authority for consideration in accordance with the terms of this Policy.

“Committee”

The Conflicts of Interest Committee, as defined below.

“Conflict” or “Conflicts”

A Conflict of Interest, as defined below.

“Conflict of Interest”

A conflict of interest is defined as a situation in which a University Member’s Personal Interests, obligations or loyalties could influence, or be seen to influence the objective performance, whether financially or non-financially, of their University duties and responsibilities. A Personal Interest can be direct or indirect and can include the interests of Connected Persons.

For the purposes of this policy a Conflict of Interest shall include actual, potential, or perceived conflicts as defined below:

Actual conflicts of interests emerges when individuals within the scope of this policy have Personal Interests which: conflict with the interests of the University, conflict with their responsibility to act in the best interests of the University, puts into question the independence, impartiality, and objectiveness that they are obliged to exercise in the performance of their duties.

Perceived conflicts of interests may arise when an individual within the scope of this policy appear to have, in the opinion of a reasonably informed and well-advised person, Personal Interests that are sufficient to put into question the independence, impartiality and objectiveness that they are obliged to exercise in the performance of their duties.

Potential conflicts of interests describes a situation that could develop into an actual or perceived conflict of interest.

“Conflicts of Interest Committee”

A standing committee, appointed by the President, with broad representation from the different disciplines at the University, as follows:

- the Bursar (who acts as Chair of the Committee)
- the Deputy President and Registrar,
- the Vice-President for Research and Innovation,
- the Secretary for Governance and Academic Affairs,
- two Deans (who shall alternate with other Deans subject to at least one Dean staying on to assist with continuity of decision making) or their academic nominees,
- the Chief Operating Officer,
- the Head of Corporate and Legal Affairs,
- the Director of Governance.

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 employee may at the discretion of the Committee Chair be invited to act as a member of the Committee for the

individual matter only. The Conflict of Interest Committee may at its discretion, invite other University employees or external experts to attend a Conflict of Interest Committee meeting or meetings.

Gender balance is a key aspect of membership composition. The Committee shall accordingly be comprised of at least 40% women and at least 40% men across the totality of the Committee.

“Connected Persons”

A connected person includes: a child, stepchild, grandchild, grandparent, brother or sisters; a spouse/civil partner or the spouse/civil partner of any person listed previously; a person carrying on business in partnership with them, or with any person listed previously; an institution which is controlled by them or by any person listed previously; or any person included within the definition of Connected Person as set out in Section 220 of the Companies Act; a body corporate in which they or any person, listed in any of the first four categories previously has a substantial interest.

“Governing Authority”

The Governing Authority also known as Údarás na hOllscoile, means the body charged with the overall governance of the University as described in the Universities Act 1997.

“Personal Interests”

May include but are not limited to the performance of financial or other economic investments, including occupational income, shares, directorships; personal or family ambition, wealth or status gain; the achievement or realisation of particular political, academic, economic or social objectives.

“Policy”

This Conflicts of Interest Policy.

“Student” means any undergraduate or postgraduate student of the University, who is in receipt of University-administered stipend, scholarship, grant or salary which is intended to enable the student to carry out research, teaching or administration, or is engaged in work or a project that is being carried out for a party with which the University has a contract (including but not limited to a funding agency, industry partner or charity), or which is for the express purpose of securing a contract with an external party and the student has been advised and has consented to the inclusion of the student’s research or work input.

“University”

National University of Ireland Galway.

“University Members”

University Members for the purpose of this Policy shall mean all full-time, part-time, and fixed term employees of the University, agency workers, any person to whom this Policy’s definition of Student applies, and any other person in receipt of payment from the University including those who may additionally be students of the university.

For clarification, payment includes but is not limited to external research grants, scholarships, stipends or any other form of third-party funding.

Also included within this definition, volunteers, appointees, and any other unpaid individuals performing duties or services or exercising influence on the University's behalf excluding Governing Authority members as Members of the Governing Authority shall, in respect of Conflicts of Interest and their role on Governing Authority, be governed by the Standing Orders for Údarás na hOllscoile rather than by this Policy as further set out in Section 3 below.

"UMT"

University Management Team.

3 Scope

- 3.0** This policy applies to all University Members and all others who work in the University (for example retired staff who are still conducting research, teaching and working in the University).
- 3.1** Every reference to "Members" contained herein shall include all persons referenced in the definitions and any other individual provided for within the scope of this policy.
- 3.2** This policy relates to any Conflict of Interest arising in connection with any University activity except for Conflicts of Interest, which may arise in the University in relation to the formal decision- making process concerning recruitment, selection and promotion as these are addressed in the HR Recruitment and Selection Policy.
- 3.3** Conflict of Interest provisions as they relate to members of Governing Authority are set out in the Standing Orders for Údarás na hOllscoile and are therefore outside the scope of this policy.

4 General Principles

- 4.0** A Conflict of Interest arises when someone's Personal Interests or loyalties could influence, or be seen to influence, the objective performance of official University duties. The Personal Interest could be direct or indirect and includes the interests of a Connected Person.
- 4.1** A Conflict of Interest may arise where an individual might be seen to be influencing University matters for actual or potential personal benefit. Such conflict may arise in a situation when a University Member is in a position to influence, directly or indirectly, University business, research or other decisions in ways that could lead to personal gain or gain for Connected Persons.

For example, a conflict may exist as a result of:

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

University and are required, while engaged in University duties to accord their primary professional loyalty to the University. Employees in particular are expected to arrange outside obligations, Personal Interests and activities so as not to conflict with their overriding commitment to the University.

4.3 For academic members of staff any commitments outside the University should be subject always to the approval of the appropriate person in accordance with the Guidelines on Private Consultancy Work for Full-Time Members of Academic Staff. The application form can be accessed via the following link [http://www.universityofgalway.ie/media/registrar/docs/QA201-Request-for-Permission-to-Engage-in-Consultancy-Work-\(2019---2020\).docx](http://www.universityofgalway.ie/media/registrar/docs/QA201-Request-for-Permission-to-Engage-in-Consultancy-Work-(2019---2020).docx) For professional services staff, paid commitments outside the University should be subject always to the approval of the Director of HR in accordance with the University Code of Conduct. If there is an actual, potential or a perceived conflict arising from such other commitments, this should be disclosed in accordance with the terms of this policy.

4.4 University Members must also comply with the obligations set out in the QA441 Entertainment and Hospitality Policy.

5 Procedure for Identification, Disclosure and Management of Conflicts of Interests

5.0 IDENTIFYING A CONFLICT OF INTEREST:

University Members should not be involved in making decisions in relation to their commitments to the University from which they, or any Connected Person, may stand to benefit. Such considerations apply to a wide range of activities in which a conflict may arise, including but not limited to: student admissions; student assessment; disciplinary proceedings; appeals; fee concessions; procurement; research; contractual arrangements; consultancy; licensing intellectual property; assessing proposed relationships between the University and outside parties including University spin out companies.

When a University Member is attempting to identify whether he/she may have a Conflict of Interest, that University Member should consider whether a reasonable person would think those interests and loyalties, including those of a Connected Person, could conflict or appear to conflict with their University duties.

The University Member should “Ask themselves”, would I be happy if my involvement appeared in the media?; would I be happy if my colleague became aware of my involvement?; would I be happy if I saw someone else doing this?.

A non-exhaustive list of examples of what may constitute a Conflict of Interest is set out at Schedule 2 hereto.

By whom should disclosure be made?

Individuals with the Conflict of Interest (the “Conflicted Individual”)

This policy cannot be exhaustive and cannot outline all scenarios where a Conflict of Interest may occur. In circumstances where individuals are unsure whether or not a conflict exists, they must seek advice from their COI Reviewer in the first instance. Where individuals either first become aware of the conflict of interest, or first fall within the scope of this policy, they are required to complete the Conflict of Interest Disclosure Form set out at Schedule 1 hereto. The Conflicted

Individual has the primary responsibility for the disclosing of the Conflict of Interest.

Individuals within the Scope of this Policy, who are not the Conflicted Individual

Where individuals within the scope of this Policy become aware of a Conflict of Interest of other individual(s) within the scope of this policy, they must take action to ensure that the Conflict of Interest is disclosed as follow:

- (i) It is common to attempt to resolve issue in the first instance by informally discussing the situation with the relevant individual to whom the conflict of interest applies and to encourage the individual to follow the appropriate procedure. However, it is acknowledged that this approach is not always practical or possible;
- (ii) Where an informal approach fails to resolve the issue, the Conflict of Interest should be reported to the COI Reviewer by the individual who becomes aware of the Conflict of Interest within two weeks of the activity falling within the scope of this policy if the Conflicted Individual has failed to do so;
- (iii) where for any reasonable grounds, an individual does not wish to make an informal approach, for example (but not limited to) a junior member of staff is uncomfortable in raising a Conflict of Interest with their direct line manager where such line manager may have the Conflict of Interest, the individual can instead make contact with the Committee Chair or a UMT member (who can disclose to the Conflict of Interest).
- (iv) University Member may also avail of the mechanisms within the University Protection Disclosures Policy QA414 to disclose a Conflict
- (v) Chairs of University Committees (for example the University IP Committee or other such Committee) can also disclose Conflicts of Interest to the Chair of the Conflicts of Interest Committee for consideration by the Committee.

5.1 DISCLOSURE OF A CONFLICT OF INTEREST:

Conflicts of Interest should be declared promptly and fully using the Conflict-of-Interest Disclosure Form set out at Schedule 1 to the COI Reviewer.

In most cases, potential Conflicts of Interest will be easily managed, and declaration of the Conflict of Interest is all that is needed. Disclosure should be made when:

- the Conflict of interest first arises;
- it is recognised that a Conflict of interest might be perceived; or
- it is recognised that there is potential for a Conflict of Interest.

The COI Reviewer should take advice from colleagues in the relevant professional areas as appropriate (for example but not limited to: teaching, research, consultancy, professional services, management or an issue to pertaining to intellectual property to the Office of the VP for Research and Innovation or a procurement issue to the Head of Compliance).

In exceptional circumstances, where it is determined by the COI Reviewer that the COI Reviewer is unable to deal with or resolve the Conflict of Interest (example: where the COI Reviewer may also be subject to the same Conflict of Interest) then the matter should be referred to the Conflict of Interest Committee.

If a Conflict of Interest is disclosed to a person other than those persons set out in the relevant disclosure channels then the recipient of the disclosure shall refer the matter to the COI Reviewer who shall then manage the matter in line with the COI Policy.

Once a Conflict of Interest has been disclosed, the COI Reviewer is responsible for dealing with the Conflict of Interest (and developing a management plan if appropriate) as soon as is reasonably

practicable, and in any event within 21 days of the day of the disclosure. An extension to this time frame may be required in certain circumstances and any parties will be advised where this is the case. Until that time, the Member should take no direct part in the particular activity relating to the potential conflict. While the University will strive to agree the management of the Conflict of Interest with the Member, it is accepted that this may not always be possible. In those circumstances, the Member will be directed by the COI Reviewer (in consultation with colleagues in the relevant professional area, if required) with regard to the appropriate management. Some Conflicts of Interest will require ongoing management, and this should be documented in the management plan. It is recommended that Conflicts of Interest, where ongoing management is required, should be reviewed every three months and the results documented.

The Member shall provide all information necessary to the COI Reviewer for the purposes of allowing the COI Reviewer to resolve the matter appropriately.

Where a Conflict of Interest relates to an externally funded research project (i.e. where the interest influences, potentially influences, or could be perceived to influence, the design, conduct or reporting of such project), the COI Reviewer shall consult the Vice President for Research and Innovation (where he or she is not the COI Reviewer) in respect of any steps to be taken and these must be compatible with the terms and conditions of the award and the external funding agencies conflict of interest policy.

In circumstances where it is determined that there is no Conflict of Interest the declaration of the interest and/or activity and subsequent authorisation by the COI Reviewer will be held locally by the COI Reviewer. Individuals should be cognisant of other reporting obligations such as annual SIPO and consultancy returns to the Office of the Secretary for Governance and Academic Affairs. This may result in reporting in more than one place on more than one occasion.

5.2 MANAGEMENT:

Where it is determined that a Conflict of Interest exists, the COI Reviewer must record the determination and prepare a conflict management plan, which sets out how the Conflict of Interest is to be managed.

Examples of Conflicts of Interest and how they should be managed:

Management may include conflict avoidance or mitigation and the management plan may include (but is not limited to):

- Excusing individuals from a specific duty (for example recusal from a committee or panel for a particular decision);
- Resignation or termination of the relevant individual's contract of employment (or contract for goods or services) having first consulted with the Office of Human Resources;
- Accommodating the individual's personal or other circumstances within the scope of the University's Human Resources procedures;
- Any other appropriate action determined by the COI Reviewer in the management plan.

Individuals must take no part in the relevant activity until such time as this process is completed. Individuals must adhere to the management plan. The COI Reviewer will continue to monitor the issue to ensure adherence to the management plan. Where ongoing monitoring is required, it is recommended that it is scheduled and documented on the management plan.

In the event of a disagreement on the assessment of the disclosure or the management of the conflict, individuals may review the matter with their COI Reviewer in the first instance and thereafter the Committee with a view to resolving the matter.

Appeal

If the matter cannot be so resolved, the individual may raise an appeal to the proposed management of the conflict through the University's Grievance Procedure or other such University procedure as applicable and available to the University Member.

Where an appeal is raised, any action may be suspended until the outcome of the Grievance Procedure or other such available University procedure is determined. Individuals will desist from engaging in the related activity pending the outcome of the Grievance Procedure or other such University procedure. Failure to do so may constitute a breach of this Policy.

5.3 **RECORD AND REPORT:**

All Conflicts declared should be reported by the COI Reviewers to the Conflict of Interest Committee as soon as a management plan has been put in place. Where it has not been possible to reach an agreed management plan or where further advice is required this should be recorded on the Conflict of Interest Disclosure Form and escalated to the COI Committee.

The Conflict of Interest Committee shall keep a written record of interactions and decisions taken within this policy and document any management plan implemented. The Conflict of Interest Committee shall also notify any relevant functional area it deems necessary within the University of the outcome of the procedure. A record of the conclusion will be held centrally by the Conflict of Interest Committee.

The Conflict of Interest Committee shall prepare an annual report at the end of each academic year to enable the maintenance of an overview of the interests and activities of those to whom this Policy applies. This annual report shall be prepared by reference to this Policy and shall be provided to Údarás na hOllscoile.

6 **Roles and Responsibilities**

Name	Responsibility
UMT	Policy Owner represented by the Bursar.
All University Members	Compliance with Policy and earliest disclosure of a real or perceived conflict of interest.
COI Reviewers - Line Managers, Directors of Professional Services, Heads of Units, Heads of Colleges, Heads of Schools, Deans, and all in positions of responsibility	Ensuring Implementation of the Policy Act as COI Reviewers for the purpose of the Policy. Report to the COI Committee.
COI Committee members	Ensuring consistency of management of COI across the University and reporting to Údarás na hOllscoile on an annual basis.

7 **Breach of Policy**

Failure to disclose a Conflict of Interest, or to appropriately refrain from the related activities until the management of the conflict has been resolved, constitutes a breach of this Policy and may result in the University's disciplinary procedures (or equivalent) being activated.

If the Protected Disclosure Group (under QA414) or the University reasonably believes that a false notification is deliberately made by an individual, it may take appropriate action in

accordance with the appropriate University regulations and disciplinary procedures.

8 Related Documents, which University Members are obliged to comply with:

8.0 Private Consultancy Work for Full-time Members of Academic Staff QA201

8.1 Protected Disclosures Policy QA414

8.2 HR Recruitment and Selection Policy QA146

8.3 University Fraud Policy QA403

8.4 Grievance Procedure QA113

8.5 University Code of Conduct QA415

8.6 Entertainment and Hospitality Policy QA441

8.7 University of Galway Intellectual Property Policy QA507

8.8 University of Galway Ethics in Public Office Act 1995 Procedure

8.9 Guidelines for research degree programmes (Section 9) QA245

SCHEDULE 1

DECLARATION OF POTENTIAL, ACTUAL OR PERCEIVED CONFLICT OF INTEREST

Name of Person	
School/Institute/Unit	
University Member should complete sections 1-6 below describing the nature of the Personal Interest:	
Section 1: Type of Conflict of Interest	
Section 2: Nature of the activity/ description of the conflict	
Section 3: Description of parties involved	
Section 4: Potential financial or non-financial interests or benefits	
Section 5: Any other relevant information	
Section 6: Action(s) proposed by the University Member to deal with the Conflict of Interest	
I acknowledge the University policy on <i>Conflict of Interest</i> and declare the above interests. I confirm that I have no other activities, responsibilities or ownership entitlements that might lead to any other conflict of interest situation. (Additional pages may be attached if required)	
Signature of University Member	
Name of COI Reviewer	
Agreed Actions:	
Signature of COI Reviewer	

SCHEDULE 2

Examples of Conflicts of Interest

The following is a sample of activities and situations that may present a Conflict. The following list is by way of example only and is not exhaustive.

- 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.**

These include:

- 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 €650 must be discussed with the COI Reviewer or the Conflicts of Interest Committee as appropriate.
- 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 per annum. [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.universityofgalway.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 and recorded 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 University 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 in accordance with this Policy 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, professional services and administrative work of the University itself.
- Activities (research projects, conferences, teaching programmes, assessment of students 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. 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. A Principal Investigator is the primary individual responsible for the preparation, conduct, and administration of a research grant, cooperative agreement, training or public service project, contract, or other sponsored project in compliance with applicable laws and regulations and institutional policy governing the conduct of sponsored research.
- Situations in which a University Member is responsible for the admission, teaching or assessment of individual students with whom they have a personal connection (for example), family members, friends.

C. Activities which should be brought to the attention of the Committee 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 their UMT member and the Committee Chair before accepting any outside management position, and should ensure that they have fulfilled the requirements of the applicable University Policy in this space such as the Private Consultancy Work for Full-time Members of Academic Staff or the Code of Conduct.)
- 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 programmes, assessment of learning, 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/ or (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 organisations the right to censor research any part of which is performed by the University)

D. Activities concerning University intellectual property.

- A Member having a financial interest in the company sponsoring research, this being exacerbated if the value of the Member’s interest may be affected by the outcome of the research.
- A Member is an inventor of patents or creator of other IP whose value may be affected by the outcome of research in which they are involved.
- A Member holds a position in an enterprise (e.g. as director) that may wish to restrict (or otherwise manage) adverse research findings for commercial reasons or not wish to publish

the results of the research.

- A Member having a financial interest or other personal interest in a Spin-out Company or may have personal IP with which they are intending to create a start-up company.
- A Member having a financial interest in the licensee (or proposed licensee) of University intellectual property.
- A Member taking part in the negotiation of a contract between the University and a company, where the Member or a Connected Person has a financial or non-financial interest (e.g. a directorship) in that company.