

MAYNOOTH UNIVERSITY

RESEARCH AND COMMERCIALISATION CONFLICT OF INTEREST: POLICY AND GUIDELINES

Policy Owner: VP Research and Innovation
Active Policy: Initially approved by GA in 2011
Revisions: This revision approved by GA in 2019

Start of Policy

SUMMARY

This policy and associated procedures have been prepared by Maynooth University (“MU”) in the context of ensuring the highest standards of practice in its educational mission and research integrity.

Universities and their employees engage in a wide range of activities. The traditional academic roles, such as teaching and supervising students and conducting externally-funded academic research, are often supplemented by commercial collaborations including consultancy, commercial research and development, intellectual property licensing and involvement in ‘spin-out’ companies.

In general, MU expects individual departments and academic staff to conduct teaching and research activities to the highest standards, and to develop their own balanced ‘portfolio’ of activity, including external collaborations of one kind or another. However, by engaging in such activities, employees may place themselves in a position in which an outside interest may conflict, or be perceived to conflict, with their MU duties. The employee may then be open to suspicion that decisions they take as a MU employee are influenced by personal interest..

As an institution in receipt of state funds, the University must be able to satisfy the public authorities that it has procedures in place to avoid or manage such conflicts.

In the majority of cases simple disclosure of a potentially conflicting external activity is sufficient to manage the issue. In cases where a conflict of interest exists a way of proceeding with the activity that avoids the conflict of interest must be agreed and followed. In other cases the conflict of interest may be so fundamental and unmanageable that it is necessary to restrict one or other of the employee’s conflicting activities.

The purpose of this ‘Conflict of Interest: Policy and Guidelines’ is to:

- Present a definition of Conflict of Interest,
- Highlight and illustrate potential conflict situations, some of which are not obvious,
- Set out MU policy regarding procedures to be followed in situations of potential conflict of interest.

The most important point in the policy is that MU employees should always disclose an activity if they are in doubt about whether it represents a conflict of Interest. This document describes the way in which such disclosure should be made at the time (i.e. before engaging in the activity). The fact that MU has adopted such a policy does not cast doubt on the integrity of MU employees. Rather it recognises that academic staff have considerable freedom to legitimately engage in useful activities with external bodies, and therefore it is necessary to have in place a mechanism to protect the University and its employees from reputational damage and other liabilities. While acknowledging those freedoms, it should be noted that failure of a staff member to make an appropriate declaration or to comply with this policy may result in a disciplinary process.

This ‘Research and Commercialisation Conflict of Interest: Policy and Guidelines’ should be read in conjunction with all other relevant existing policies and procedures of MU. This policy does not absolve, in any way, obligations that staff may have to submit a disclosure of interest to the Standards in Public Office

Commission to comply with the provisions in the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001.

Scope

This policy applies to all academic and research staff of the University, and to all other University staff who may be involved in undertaking or supporting research or commercialisation or related activities.

This policy will be reviewed no later than June 2024.

I. Introduction

This document (“Conflicts Policy”) sets out MU’s policy and provides some practical guidelines to its employees on how they should manage potential or actual conflicts of interest.

Whilst this document describes and provides guidelines for many of the situations in which conflicts occur, it is not meant to be exhaustive. The primary obligation rests with the employee to recognise situations in which he or she potentially has a conflict of interest and to disclose and discuss that conflict to the Vice President for Research and their Head of Department. In such circumstances, employees are required to complete the Declaration of Potential Conflict of Interest form. The full prior disclosure of interests is an important (and in many cases sufficient) mechanism for the management of conflicts of interest.

II. Types of Conflicts

It is the policy of MU that its staff 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 MU or its welfare. The term “conflicts of interest” as used in this document includes conflicts of duty, rights, obligations, interests and similar conflicts, whether as an individual or as a representative of MU.

A working definition of “conflict of interest” is:

“A conflict between the private interests and the official responsibilities of a person acting on behalf of, or employed by, MU or any of its subsidiaries”.

The damage caused by such conflicts can be considerable, whether the conflict of interest exists or appears to exist. For this reason, an explicit conflict of interest policy does not infer any lack of trust in or loyalty of academic colleagues. Rather, it is a necessary mechanism for protecting MU and its employees against criticism or compromise by ensuring that they recognise and disclose such conflict situations and take steps to avoid and manage them.

The main categories in which a conflict of interest may arise (discussed in more detail below) are:

- Educational Mission (especially in regard to supervision, assessment and teaching)
- Research Integrity
- Conflicts of Commitment and Loyalty
- Financial Conflicts

Potential conflicts are frequently related to engagement in external collaborations, forming spin-out companies, licensing of intellectual property and other similar activities. . For example, MU employees may have multiple roles if they are involved in spin-out companies, perhaps, as a director, shareholder and consultant. Fulfilling these multiple roles in the company can create (or appear to create) a conflict with the employee’s primary obligations and allegiance to MU. This Conflicts Policy specifically addresses conflicts involving research and external bodies, but also other situations where conflicts may arise, and which are covered in general terms in the MU Staff Code of Conduct and other policies. Some examples include:

- a) The use of the University's research or administrative facilities to pursue personal business, commercial or consulting activities.
- b) Any attempt to restrict rights governing the timing and contents of publications, save in circumstances approved by the University to protect privacy, commercially sensitive proprietary information and patentable inventions.
- c) Involvement in externally-funded activity that might infringe the right of a student engaged in the activity to complete the degree for which he or she is registered and/or to publish freely or seek patent protection for his or her findings.
- d) A financial interest held by an individual in an external enterprise engaged in activities closely related to that individual's line of research in the university.
- e) A personal involvement in any company which is in, or in the process of negotiating, a contract with the university.
- f) Over-dependence on a particular company for research funding – which may result in that company either formally or informally influencing the direction of the research or dissemination of results.

These examples are intended to be illustrative and not exhaustive.

Examples of conflicts that are within the scope of other university policies include:

- a) The involvement of a staff member in developing or examining any continuous assessment, examination paper, coursework, laboratory exercise, dissertation or any similar examinable activity where a personal relationship with an examinee exists (this is covered by MU policy on staff-student relationships).
- b) Access to confidential information or the ability to adapt or change this information relating to a staff member, family member, relative, friend or acquaintance.

III. MU policy

MU is committed to the principle that its employees' activities should not give rise to situations in which employees have, or appear to have, harmful conflicts of interest. At the same time, MU recognises that policies that seek to eliminate all potential conflicts could also prevent many of the activities (e.g. research commercialisation) that universities now wish to encourage. Accordingly, rather than seek to prohibit all activities that might give rise to a conflict of interest, this Conflicts Policy provides for a three-fold approach:

- Always disclose potential conflicts of interest,
- Manage the conflict wherever possible,
- Prohibit the activity when necessary to protect the public interest or the interest of MU.

In the instance of a potential conflict of interest, the key goal is to segregate the decision-making about the *financial* activities and the *research/teaching* activities, so that they are separately and independently managed. MU is particularly concerned to ensure that its employees' activities do not create conflicts in the areas of MU's Educational Mission and Research Integrity, as these areas are considered to be of fundamental importance to MU as an institution dedicated to teaching and research.

On occasions, MU itself may be involved in an activity in which an MU employee has a potential conflict of interest. For example, MU may own shares in a spin-out company in which an MU employee also owns shares. Depending on the circumstances, the MU employee's shareholding may give rise to a conflict of interest. Employees should be aware that the fact that MU may benefit from an activity (e.g. as a shareholder) does not in any way mitigate or reduce the employee's obligations under this Conflicts Policy.

IV. Managing a Potential Conflict of Interest

In all cases, the employee must disclose in writing and discuss any potential conflicts with the Vice President for Research, or with a person nominated by the Vice President for Research for the particular situation:

- (a) Prior to the commencement of the commitment
- (b) When circumstances change in a way that gives rise to conflict.

In the course of considering cases of conflict of interest or potential conflict of interest, the VP Research may consult with the Bursar, the Human Resource Director, or other university senior management, as appropriate.

If a Head of Department or School, or the Director of a Research Institute, or a member of the Research Development Office, or a member of the Commercialisation Office becomes aware of a potential conflict of interest for any member of staff they should advise the staff member that they believe a disclosure is required, and subsequently report the matter to the VP Research, if a disclosure has not been made within two weeks.

In the instance where the potential conflict involves the VP Research, the VP must disclose in writing and agree management of any potential conflict with the President.

In the instance where the potential conflict involves any other member of staff who reports directly to the President, the staff member must disclose in writing and agree management of any potential conflict with the President.

In the instance where the potential conflict involves the President, the President must disclose the potential conflict to the Chair of the Audit and Risk Assessment committee, who will determine what action, if any, may be needed.

Failure of a staff member to make an appropriate declaration or to comply with these guidelines may result in a disciplinary process.

Appendix I

Specific Duties of the VP Research

1. To respond to requests for advice from a member of staff as to whether a conflict of interest exists or may exist, as defined in the MU 'Conflicts of Interest: Policy and Guidelines' and how it might best be managed. This may be delegated to the Director of the Research Development Office or the Director of Commercialisation.
2. To consider for approval all cases involving the proposed supervision of a sponsored student by a staff member with a significant financial interest in the sponsoring organization.
3. To consider any cases in relation to a member of staff involving conflicts of research integrity if a particular research project were to be accepted. The case should be submitted to the relevant University Ethics Committee for consideration. Ethical approval must be granted before a contractual arrangement is agreed.
4. To consider for approval any cases where a member of staff's proposed relationship with another organisation creates a conflict of interest.
5. To consider any instances where a potential conflict of interest may exist and take appropriate measures to protect the employee and MU.
6. To ensure that a written record is made of the reported potential conflict of interest and how the issue was dealt with.

Specific Duties of the Head of Department

1. In the event that a Head of Department or Institute Director becomes aware of a potential conflict of interest for a member of their staff they should
 - a. advise the staff member on the need to make an appropriate declaration, and
 - b. if no declaration has been made within two weeks, inform the Vice President for Research of the potential conflict.

Appendix II

**MAYNOOTH UNIVERSITY
DECLARATION OF POTENTIAL CONFLICT OF INTEREST**

Name of staff member:

Position:

Department and Faculty:

Describe the nature of the potential conflict, the external party (if appropriate), the relationship and the personal interest:

I acknowledge the MU policy on Conflict of Interest and declare the above interests. I confirm that I have no other activities, responsibilities or ownership entitlements that might lead to a conflict of interest situation.

Signature:

Signature (President or VP Research) :

Position:

Date: