



UNIVERSITY OF MANITOBA POLICY

Policy:	Conflict of Interest
Effective Date:	June 16, 2009
Revised Date:	
Review Date:	June 16, 2019
Approving Body:	Board of Governors
Authority:	
Responsible Executive Officer:	President
Delegate:	Vice-President (Administration)
Contact:	Vice-President (Administration)
Application:	Senate members, Students, External Parties (Individuals with adjunct appointments, nil-salaried appointment and/or on University Committees), Employees (All employee groups)

Part I Reason for Policy

- 1.1 To acknowledge that Conflicts of Interest arise.
- 1.2 To assist Persons in recognizing Conflicts of Interest and to establish principles to ensure that Conflicts of Interest are properly disclosed and consistently assessed and managed.

Part II Policy Content

2.1 Introduction

The University has a mandate to teach, to do research and to engage in public service. As a leading public institution, the University strives to carry out this mandate in accordance with the highest ethical standards and in a manner that promotes public confidence in its activities.

Conflicts of Interest may arise naturally from a Person's engagement inside the University and a Person's activities outside the University.

In order to ensure the maintenance of the public trust in the University and to protect the integrity of its Persons, the University has created this Policy to address Conflicts of Interest.

2.2 Definitions

2.2.1 "Committee" means the Conflict of Interest Committee established under the Procedures.

2.2.2 "Conflict of Interest" means a situation in which the private interests (Financial Interests or Personal Interests) of a Person or Related Party compromise or have the appearance of compromising the Person's independence and objectivity of judgment in the performance of his or her obligations to the University, including teaching, research and service activities. Conflicts of Interest can be potential, actual or perceived.

2.2.3 "Executive Position" means any position responsible for the operation or management of a business or organization.

2.2.4 "External Activities" means any activity outside a Person's scope of work with the University.

2.2.5 "Financial Interest" means the receipt or expectation of receipt of anything of monetary value, including pay or salary or other payments for services (for example, consulting fees or honoraria), equity (for example, shares or options), security or other ownership interests, and intellectual property rights (for example, patents, copyrights, royalties or options related to such rights).

2.2.6 "Initial Reviewer" means the individual responsible for initially reviewing a Person's disclosures of Conflicts of Interest, and is normally the person to whom the Person reports (e.g. head of department/administrative unit).

2.2.7 "Person" means:

- (a) an individual who falls into one of the categories defined in the University's Procedure entitled "Employee Organizations and Employment Groups"; or,
- (b) a post-doctoral fellow, a full time or part time student, a graduate or undergraduate student, a visiting student, or a visiting scientist; or,
- (c) any other individual involved in any activity under the auspices, that is, under the control of the University.

- 2.2.8 “Personal Interest” means the receipt or expectation of receipt of any personal benefit (workplace or otherwise) of a non-monetary value.
- 2.2.9 “Related Party” means a Person’s family member (e.g. spouse, child, parent, sibling, grandparent, aunt or uncle), or other person living in the same household, or any other person with whom the Person shares a financial interest or personal interest either directly or indirectly.
- 2.2.10 “Research” means funded or self-funded research, including scholarly and other creative activities, conducted under the auspices, that is, under the authority or control of the University.
- 2.2.11 “Secondary Reviewer” means the individual responsible for making a decision based on the Initial Reviewer’s recommendation, and is normally the person to whom the Initial Reviewer reports (e.g. Dean/Director).
- 2.2.12 “University” means the University of Manitoba and any corporation, partnership or other legal entity owned, controlled or subject to the direction of the University of Manitoba.

2.3 Examples of Conflicts of Interest

As each situation depends on its specific facts, the University has not developed an exhaustive list of Conflicts of Interest. However, Conflicts of Interest will arise in the following situations:

- 2.3.1 Where a Person’s responsibility to instruct and evaluate students in a fair, unbiased and effective manner is or appears to be impeded or compromised.
- 2.3.2 Where a Person has influence over a decision about a proposed relationship between the University and a business in which the Person or his or her Related Party has a Financial Interest, Personal Interest or holds an Executive Position.
- 2.3.3 Where a Person or his or her Related Party obtains a Financial Interest, Personal Interest or an Executive Position in a business with which the University has an existing relationship and the business is related to the Person’s scope of work at the University.
- 2.3.4 Where a person uses his or her position with the University to solicit students, fellow Persons, government agencies, private companies, or members of the public for External Activities.
- 2.3.5 Where a Person uses information that is acquired as a result of his or her relationship with the University and not in the public domain for External Activities unless the Person has proprietary rights to that information.

- 2.3.6 Where a Person's obligations to a board of directors, advisory board, or the like of an outside organization interfere with or compromise the Person's obligations to the University.
- 2.3.7 Where a Person accepts gifts or gratuities in violation of the University's governing document entitled "Gifts and Gratuities Offered to University Employees".
- 2.3.8 In the area of Research, particular vigilance is required to preserve the public confidence in the outcomes of Research. The following is a non-exhaustive list of some examples of Conflicts of Interest in Research:
- (a) where a Person, or a Related Party has a Financial Interest or Personal Interest in the outcome of his or her Research;
 - (b) where a Person conducts Research for a business or organization in which the Person or a Related Party has a Financial Interest, Personal Interest or holds an Executive Position;
 - (c) where a Person undertakes Research to evaluate a drug or device when the Person or Related Party has a Financial Interest, Personal Interest or holds an Executive Position in the business or organization producing the drug or device under evaluation;
 - (d) where a Person directs Research to serve the needs of a business or organization in which the Person has a Financial Interest, Personal Interest or holds an Executive Position;
 - (e) where a Person uses research trainees (i.e. students, post-doctoral fellows) or support staff of the University to perform services, for a business or organization in which the Person has a Financial Interest, Personal Interest or holds an Executive Position; and,
 - (f) where a Person influences the purchase of equipment or services from a business or organization in which the Person or Related Party has a Financial Interest, Personal Interest or holds an Executive Position

2.4 Principles

The University's Policy for addressing Conflicts of Interest is based on the principles of Recognition, Disclosure and Management:

- 2.4.1 Recognition: Conflicts of Interest must be defined and identified to permit appropriate disclosure and management. Conflicts of Interest reflect the situation, not the character of the person.

2.4.2 Disclosure: Persons must take initiative in disclosing Conflicts of Interest to their Initial Reviewer. Full and complete disclosure of Conflicts of Interest is a key element in protecting the integrity and reputation of the Person and the University.

2.4.3 Management: Only Conflicts of Interest that can be managed in a manner that considers, protects and serves the interests, integrity and reputation of the Persons and of the University, and that will withstand the test of reasonable and independent scrutiny will be allowed. Without limiting the generality of the foregoing, in order to allow such management, the following conditions or restrictions may be imposed (as further described in the Procedures to this Policy):

- (a) public disclosure of Financial Interest, Personal Interest or Executive Position;
- (b) monitoring of the University activity by an independent reviewer(s);
- (c) disqualification from, or modification to, participation in all or a portion of the University activity or, in certain cases, the External Activities;
- (d) divestiture of the Financial Interest, Personal Interest or resignation from the Executive Position; and,
- (e) appointing an impartial person to monitor the use of research trainees or support staff.

Conflicts of Interest that cannot be managed will not be allowed.

Part III Accountability

- 3.1 The University Secretary is responsible for advising the President that a formal review of this Policy is required.
- 3.2 The Vice-President (Administration) is responsible for the communication, administration and interpretation of this Policy.

Part IV Authority to Approve Procedures

- 4.1 The Approving Body may approve Procedures which are secondary to and comply with this Policy.

Part V Review

- 5.1 Formal Policy reviews shall be conducted every ten (10) years. The next scheduled review date for this Policy is June 16, 2019.
- 5.2 In the interim, this Policy may be revised or repealed if the Approving Body deems necessary.
- 5.3 If this Policy is revised or rescinded, all Secondary Documents will be reviewed as soon as reasonably possible to ensure that they:
 - (a) comply with the revised Policy; or
 - (b) are in turn rescinded.

Part VI Effect on Previous Statements

- 6.1 This Policy supersedes all of the following:
 - (a) all previous Board /Senate Policies, Procedures, and resolutions on the subject matter contained herein;
 - (b) all previous Administration Policies, Procedures, and directives on the subject matter contained herein;
 - (c) the Conflict of Interest Procedures; and
 - (d) Responsibilities of Academic Staff with Regard to Students – to the extent that the Policy deals with Conflicts of Interest.
- 6.2
 - (a) For Persons who are part of a certified bargaining unit, and where any portion of this Policy or the Procedures conflicts with a clause of the appropriate collective agreement, the collective agreement will govern. Where the collective agreement is silent on, or makes reference to a University Policy or Procedures, the University Policy or Procedures shall govern; and
 - (b) For persons who are members of appeals or admissions committees, and where any portion of this Policy or Procedures conflicts with a clause of the terms of reference, the terms of reference will govern. Where there are no terms of reference, or the terms do not address conflicts of interest, the Chair shall make a decision on a case by case basis based on this Policy or Procedures.

Part VII
Cross References

7.1 Cross referenced to:

- (a) Conflict of Interest Procedures
- (b) Research Agreements
- (c) Guidelines on the Responsibilities of Research Ethics
- (d) Nepotism Policy
- (e) Gifts and Gratuities Offered to University Employees
- (f) Responsibilities of Academic Staff with Regard to Students