



**UNIVERSITY OF MANITOBA  
PROCEDURE**

<b>Procedure:</b>	<b>Conflict of Interest</b>
<b>Parent Policy:</b>	Conflict of Interest
<b>Effective Date:</b>	June 16, 2009
<b>Revised Date:</b>	
<b>Review Date:</b>	June 16, 2019
<b>Approving Body:</b>	Administration: President
<b>Authority:</b>	Policy: Conflict of Interest
<b>Responsible Executive Officer:</b>	President
<b>Delegate:</b>	Vice-President (Administration)
<b>Contact:</b>	Vice-President (Administration)
<b>Application:</b>	Senate members; Individuals with adjunct appointments, nil-salaries appointments and/or on University Committees; Employees (All employee groups), Students

**Part I  
Reason for Procedure**

To support the Conflict of Interest Policy by establishing procedures for the disclosure, assessment and management of Conflicts of Interest.

**Part II  
Procedural Content**

**2.1 Definitions**

2.1.1 All terms used as definitions in these Procedures shall have the meaning given to them in the Policy.

**2.2 Disclosure of Conflicts of Interest**

2.2.1 As soon as a Person is aware that a Conflict of Interest exists, the Person must disclose the Conflict of Interest to the Initial Reviewer in writing. For

Conflicts of Interest involving a graduate student, a copy of the disclosure must also be sent to the Dean of the Faculty of Graduate Studies.

2.2.2 If the Initial Reviewer also has a Conflict of Interest in the matter to be discussed, disclosure shall be made to the Secondary Reviewer who will then assume the role of Initial Reviewer

### **2.3 Procedure Upon Disclosure to the Initial Reviewer**

2.3.1 When a Conflict of Interest is disclosed to the Initial Reviewer, he or she will assess the situation, in consultation with the Person. The Initial Reviewer shall, in consultation with the Person, either:

- (a) recommend that no action is required to address the Conflict of Interest;
- (b) recommend that some action ought to be taken to address the Conflict of Interest; or,
- (c) recommend that the proposed Research or other University activity is not permissible given the Conflict of Interest.

2.3.2 The Initial Reviewer, having firstly consulted with the Person, shall submit a written recommendation based on 2.3.1(a), (b), or (c) above, together with the reasons to the Secondary Reviewer. In the case of a recommendation under 2.3.1(b), the Initial Reviewer's recommendation shall include a plan to manage the Conflict of Interest.

### **2.4 Role of Secondary Reviewer in Assessing and Managing the Conflict of Interest**

2.4.1 Upon receipt of the Initial Reviewer's written recommendation under 2.3.2, the Secondary Reviewer shall consider the Initial Reviewer's recommendation and either:

- (a) determine that the proposed Research or other University activity is permissible as disclosed with no further action;
- (b) implement the Initial Reviewer's plan submitted under 2.3.1(b), with such modifications as the Secondary Reviewer may reasonably determine and the Person may then proceed with the proposed Research or other University activity provided that he or she complies with the plan; or
- (c) where the Conflict of Interest cannot be managed, determine that the Person must not proceed with the proposed Research or other

University activity, or require that the Person's participation in the External Activity be modified or terminated.

2.4.2 The Secondary Reviewer will record all determinations under 2.4.1 in writing and provide a copy to the Person.

2.4.3 Once annually, the Secondary Reviewer shall submit a report to the Vice-President (Administration) and, when cases involve Research, the Vice-President (Research), and to the members of the Committee, summarizing each of the cases referred to him/her and the disposition of the cases.

## **2.5. Review Process for Conflicts of Interest at the Faculty/Unit Level**

2.5.1 Each Dean/Director shall, in consultation with the University's Legal Office, establish an internal process within his/her faculty/unit for the assessment of Conflicts of Interest as appropriate for his/her faculty/unit. The internal process shall be consistent with these Procedures.

## **2.6 Role of the Committee**

2.6.1 There shall be a standing Committee established by the Vice-President (Administration) as follows:

- (a) the Vice-President (Administration) or designated Associate Vice-President (Administration) as Chair;
- (b) the Vice-President (Research) or designated Associate Vice-President (Research);
- (c) a Dean or Director;
- (d) a member of support staff;
- (e) two (2) faculty members; and
- (f) one (1) independent member from the larger community.

2.6.2 The role of the Committee shall be to assess and manage Conflicts of Interest in accordance with these Procedures.

2.6.3 A quorum shall be three (3) members, not including the Chair. The Chair shall vote only in the event of a tie.

- 2.6.4 The term of office shall be five (5) years. A member whose term of office has expired shall continue until a successor has been appointed and shall be eligible for reappointment.
- 2.6.5 Where a Committee member has a Conflict of Interest in hearing a particular case, that member shall disqualify himself/herself from hearing the matter. The Chair shall appoint a replacement member for that particular matter representing the same category of appointment from which the original Committee member was appointed.
- 2.6.6 Matters shall be referred to the Committee in the following situations:
- (a) by the Person, where he/she is unsatisfied with the decision of the Secondary Reviewer; or,
  - (b) by the Secondary Reviewer, where the Secondary Reviewer is involved in the Conflict of Interest; provided that, in both cases, the referral to the Committee shall be in writing and shall include reasons for the referral.
- 2.6.7 If the Committee determines that the proposed Research or other University activity can be managed, the Committee will develop and implement a plan to manage the Conflict of Interest. The Person may then proceed with the proposed Research or other University activity provided he or she complies with the plan.
- 2.6.8 If the Committee determines that the Conflict of Interest cannot be managed, the Person must not proceed with the proposed Research or other University activity, or in certain cases, with the External Activity.
- 2.6.9 The Committee will record all determinations in writing and provide a copy to the Person and appropriate Secondary Reviewer, and for disclosures involving a graduate student, also to the Dean of the Faculty of Graduate Studies.
- 2.6.10 Once annually, the Committee shall prepare a report summarizing the number of matters referred to it and a summary of the disposition of the matters.
- 2.6.11 The Committee's decisions shall be final.

## 2.7 **Privacy**

Any records created by the University or its designates under these Procedures shall be deemed to be confidential and privileged documents and shall not be

disclosed or released other than at the University's discretion, or as required or allowed by law.

### **Part III Accountability**

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

### **Part IV Review**

- 4.1 Formal Procedure reviews shall be conducted every ten (10) years. The next scheduled review date for this Procedure is June 16, 2019.
- 4.2 In the interim, this Procedure may be revised or repealed if:
  - (a) the Approving Body deems necessary; or
  - (b) the relevant Bylaw, Regulation(s) or Policy is revised or rescinded.

### **Part V Effect on Previous Statements**

- 5.1 This Procedure supersedes all of the following:
  - (a) all previous Board/Senate Procedures, and resolutions on the subject matter contained herein; and
  - (b) all previous Administration Procedures, and resolutions on the subject matter contained herein; and
  - (c) all previous Faculty/School Council Procedures stemming from the Faculty/School Council Bylaw and academic and admission Regulations and any resolutions on the subject matter contained herein.

### **Part VI Cross References**

- 6.1 This Procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:

- (a) Conflict of Interest Policy
- (b) Research Agreements
- (c) Guidelines on the Responsibilities of Research Ethics