

 The University of British Columbia Board of Governors	Policy No.: SC3
Long Title: Conflict of Interest and Conflict of Commitment	
Short Title: COI Policy	

Background & Purposes:

The University is responsible for the advancement and dissemination of knowledge. As such, it encourages UBC Persons to seek and participate in research, to consult widely, and to engage in Non-University Activities so long as such activities do not interfere with their obligations to the University. While the University recognizes that these activities may benefit the participants, the University, and the public at large, the University is committed to ensuring that these activities are conducted in a manner consistent with the interests and mission of the University and in a manner that maintains the community’s trust and confidence. Faculty Members, staff and students of the University must act with integrity and adhere to the highest ethical standards at all times.

Occasionally and as a result of normal and productive engagements inside and outside the University, Faculty Members, staff and students may find themselves in a conflict of commitment, an actual or potential conflict of interest, or in a situation where there is a perception of a conflict of interest. In fact, many beneficial and productive developments and initiatives, such as the University’s commitment to liaise with industry and to transfer technology, the growth of industry-sponsored research, and the substantial increase in the University’s interactions with outside organizations, also generally lead to an increase in conflicts of commitment, conflicts of interest and perceived conflicts of interest.

Conflicts of commitment, conflicts of interest and perceived conflicts of interest that go unnoticed or are improperly managed threaten to impugn the reputation and integrity of the persons involved and, potentially, the University as a whole. They undermine the public’s confidence in the University’s and the UBC Person’s ability to pursue and disseminate knowledge, devoid of bias and personal interests. Without that public confidence, the effectiveness of the University as a public institution and of UBC Persons as intellectual leaders is diminished.

Moreover, UBC Persons are expected to vigilantly guard against conflicts of commitment, actual and potential conflicts of interest, and perceived conflicts of interest. It is important to note that the mere existence of a conflict of commitment, a conflict of interest or a perceived conflict of interest does not necessarily imply wrongdoing on anyone’s part. Rather, conflicts exist regardless of a person’s character, intentions and motivations. In situations where a conflict exists or there is a perception of a conflict, it is not sufficient to merely live up to one’s obligations; it is necessary to do so in a timely, open, forthright, constructive and accountable manner.

Therefore, the purpose of this Policy is to: (a) identify conflicts of commitment, actual and potential conflicts of interest, and situations that may give rise to the perception of a conflict of interest; and (b) to provide procedures whereby such situations are disclosed and either avoided or appropriately managed. Management, in some circumstances, may mean avoiding the activity; and in others it may mean implementing a management protocol.

This process is not only important to preserve the integrity of the persons and processes involved, but also to ensure that the University and UBC Persons remain compliant with the requirements of the various agencies that provide research and other funding. In particular, requirements from the Tri-Council agencies, the U.S. Department of Health and Human Services, and other bodies are in place, which require the University to create and implement policies and systems to identify and manage conflicts of interest in specific ways (for example, the requirement to file an annual conflict of interest report is a requirement of the Tri-Council agencies). Failure to comply with these requirements could lead to the loss of a substantial source of research funding.

Identifying and managing conflicts of interest and perceived conflicts of interest is relevant to all research subject matters, including but not limited to research involving human subjects, and to the administration of the University.

Accordingly, all UBC Persons are responsible for informing themselves and complying with requirements imposed on them by this Policy, all related policies (the Human Research Policy), and the requirements of all agencies and organizations from which they receive funding.

Defined terms are capitalized in this Policy and can be found in Section 8 at the end of this Policy.

1. Scope

- 1.1 This Policy applies to all UBC Persons, which means full-time and part-time Faculty Members and staff members of the University, and any other person who teaches, conducts research, or works at or under the auspices of the University (including but not limited to students, adjunct and sessional faculty, librarians, program directors, post-doctoral fellows, emeriti and those holding a visiting appointment).
- 1.2 Please note, the requirement to file annual conflict of commitment and conflict of interest disclosures (as set out in Sections 3.3 and 4.4 of this Policy) only apply to those UBC Persons who are Faculty Members or who have signing authority over an active account that is used for a research purpose (see Section 1.1 of the Procedures to this Policy).

2. General

- 2.1 A Conflict of Commitment occurs where a UBC Person engages in Non-University Activities that are substantial or demanding of the UBC Person's time and attention and adversely affect the discharge of the UBC Person's responsibilities to the University. UBC Persons must disclose Conflicts of Commitment and obtain written approval prior to engaging in any activity that may give rise to a Conflict of Commitment.

- 2.2 Conflicts of Interest and perceived Conflicts of Interest can arise naturally from a UBC Person's engagement inside and outside the University, and the mere existence of a Conflict of Interest or the perception of a Conflict of Interest does not necessarily imply wrongdoing on anyone's part. Nonetheless, Conflicts of Interest and situations that give rise to perceptions of a Conflict of Interest must be recognized, disclosed, and assessed.
- 2.3 A perceived Conflict of Interest is a situation where an actual or potential Conflict of Interest may or may not exist, but where there may be, nonetheless, from the perspective of a reasonably well-informed, impartial observer, a perception of a Conflict of Interest. This is sometimes referred to as an "apparent" conflict of interest.
- 2.4 Conflicts of Interest and perceived Conflicts of Interest fall into one of two categories: those that are permissible if appropriately managed; and those that are prohibited because they cannot be appropriately managed.
- 2.5 UBC Persons are responsible for seeking guidance from their Initial Reviewers before engaging in any activity that may be questionable. If in doubt about whether a situation would, from the perspective of a reasonably well-informed, impartial observer, appear to be a Conflict of Interest, the UBC Person must seek guidance from his or her Initial Reviewer.
- 2.6 Except as required by judicial process or law or Section 2.9 of this Policy, any information disclosed by a UBC Person to the University pursuant to this Policy will be held by the University in confidence and will only be available to those individuals who are responsible to the University for its review, for the management, administration and audit of the University, and to funding agencies where relevant to an application for research funding to that agency.
- 2.7 All UBC Persons are encouraged to bring matters of concern regarding Conflicts of Interest and perceived Conflicts of Interest to the appropriate Administrative Head of Unit. In any case, any person who knows or suspects that a Conflict of Interest or a situation giving rise to a perception of a Conflict of Interest has gone unreported, or has not been managed properly, may contact the Chair of the COI Committee, in writing, care of the Conflict of Interest Administrator, whose contact information can be found on the Office of the University Counsel's [website](#). The COI Committee will review the situation in an objective, timely fashion, respecting the rights of individuals in conformity with the principles of procedural fairness in the university context, and will provide its recommendations in a report to the Responsible Executive and to the Dean of the Faculty concerned or the Administrative Head of Unit concerned, as appropriate.
- 2.8 All UBC Persons are encouraged to bring matters of concern regarding Conflicts of Commitment to the appropriate Administrative Head of Unit. In any case, any person who knows or suspects that a Conflict of Commitment has gone unreported may contact the Conflict of Interest Administrator, in writing. Upon receipt, the Conflict of Interest Administrator will forward the complaint or concern to the Initial Reviewer or such other person as the Responsible Executive may deem appropriate, who will review the situation in an objective, timely fashion, respecting the rights of individuals in conformity with the principles of procedural fairness in the university context, and will notify the Responsible Executive and the Dean of the Faculty concerned or the Administrative Head of Unit concerned, as appropriate, of the circumstances and the action(s) taken.

- 2.9 All complaints or concerns submitted pursuant to Section 2.7 and 2.8 of this Policy will be taken seriously. The anonymity of the person making the complaint or raising a concern will, unless otherwise directed by that person, be maintained. However, any information provided anonymously will not be acted upon unless the information is independently substantiated. The University will protect personal information of all parties involved as required under the Freedom of Information and Protection of Privacy Act. The University will not tolerate any retaliation, directly or indirectly, against anyone who, in good faith, makes a complaint or raises a concern pursuant to Section 2.7 or 2.8 of this Policy, gives evidence or otherwise participates in a process under this Policy.

3. Disclosing Conflicts of Commitment

- 3.1 Where a UBC Person intends to engage in any activity that gives rise to a Conflict of Commitment, the UBC Person must disclose that activity and obtain the prior written approval of his or her Initial Reviewer.
- 3.2 The following are examples of situations where a Conflict of Commitment exists for Faculty Members, and despite the foregoing, may not be engaged in unless disclosed to and authorized by the Dean of the Faculty in which the Faculty Member has his or her primary appointment or such Dean's designate:
- 3.2.1 Where a full-time Faculty Member's total involvement in Outside Professional Activities is greater than 52 days per year, including evenings, weekends and vacations.
- 3.2.2 Where a full-time Faculty Member will be away from his or her place of University work for a period of 30 consecutive days (excluding holidays) as a result of the Faculty Member's Outside Professional Activities.
- 3.3 In addition, at least annually and whenever there is a material change from the previously submitted disclosure, any UBC Person identified in Section 1.1 of the Procedures to this Policy must disclose circumstances (if any) that give rise to a Conflict of Commitment, including, if applicable, the extent, nature, and timing of his or her Outside Professional Activities.

4. Disclosing Conflicts of Interest and Perceived Conflicts of Interest

- 4.1 In the University community, full and complete disclosure of Conflicts of Interest and perceived Conflicts of Interest is a key element in protecting the integrity of the University and UBC Persons and preserving the public's confidence in their ability to pursue and disseminate knowledge, devoid of bias and personal interests. Without that public confidence, the effectiveness of the University as a public institution and of UBC Persons as intellectual leaders is diminished. Therefore, UBC Persons must disclose Conflicts of Interest and perceived Conflicts of Interest to his or her Initial Reviewer and to all parties affected by the Conflict of Interest or perceived Conflict of Interest. For example, where a UBC Person makes a public statement and identifies himself or herself as being associated with the University, the UBC Person must disclose, as part of that statement, any other relevant relationships or circumstances that give rise to a Conflict of Interest or a perceived a Conflict of Interest.

- 4.2 Prior to commencing a research project, a UBC Person who is an investigator must disclose all Conflicts of Interest and perceived Conflicts of Interest that may arise in relation to the research project.
- 4.3 Prior to undertaking any activity that may give rise to a Conflict of Interest or a perceived Conflict of Interest, whether or not that activity is within the scope of the UBC Person's work at the University, a UBC Person must disclose that activity. Where prior disclosure is impossible, disclosure must be made as soon as possible after commencement of the activity.
- 4.4 In addition, at least annually and whenever there is a material change, any UBC Person identified in Section 1.1 of the Procedures to this Policy must disclose circumstances (if any) that give rise to a Conflict of Interest or a perceived Conflict of Interest.

5. Assessing and Managing Conflicts of Commitment

- 5.1 Where a UBC Person seeks approval for a Conflict of Commitment, the Initial Reviewer, Dean or Dean's delegate (as applicable) may, in his or her discretion, grant approval and may impose conditions upon such approval, taking into consideration the following:
 - 5.1.1 whether the activity interferes with the UBC Person's obligations to the University; and
 - 5.1.2 if so, whether the activity nonetheless contributes to or benefits the University in such a way that warrants the interference.
- 5.2 Where the Initial Reviewer, Dean or Dean's delegate (as applicable) determines that the activity is not permissible, the UBC Person must not proceed with the proposed activity.
- 5.3 Where the UBC Person does not agree with the decision regarding a Conflict of Commitment made by their Initial Reviewer, or in respect of a Conflict of Commitment described in Section 3.2 of this Policy, the Dean or the Dean's delegate (as applicable), the UBC Person may appeal the decision to the person holding the position immediately superior to the person who made the decision. The person who is to consider the appeal may, at his or her discretion, refuse to hear an appeal that is filed more than 30 days after the date of the Initial Reviewer's decision.
- 5.4 In addition, where the UBC Person has a joint appointment, the Initial Reviewer will be responsible to keep the other Head of Administrative Unit up-to-date with a copy of that UBC Person's disclosures and any applicable management protocol(s).

6. Role of Initial Reviewer in Assessing and Managing Conflicts of Interest and Perceived Conflicts of Interest

- 6.1 When an Initial Reviewer becomes aware of a Conflict of Interest or a perceived Conflict of Interest, he or she will assess the situation to determine what action, if any, is appropriate.
- 6.2 Where the Initial Reviewer determines that a proposed action or activity, including a proposed research project, is permissible as disclosed with no further action, the Initial Reviewer's determination will be recorded and the UBC Person may proceed with the action or activity, subject to obtaining all other applicable approvals.

- 6.3 Where the Initial Reviewer determines that an action or activity, including a proposed research project, is permissible only if appropriately managed, the Initial Reviewer will develop and implement a protocol to manage the Conflict of Interest or perceived Conflict of Interest (as the case may be) and the UBC Person, subject to obtaining all other applicable approvals, may proceed with the proposed activity provided that he or she complies with the management protocol.
- 6.4 Where the Initial Reviewer determines that an action or activity, including a proposed research project, is not permissible, the UBC Person must not proceed with the action or activity.
- 6.5 Where the UBC Person does not agree with a decision made by the Initial Reviewer pursuant to Sections 6.1 through 6.4, the UBC Person may appeal the decision in accordance with the internal review process (if any) established under Section 5 of the Procedures or to the COI Committee, if the unit has no such internal review process. The person or committee who is to consider the appeal may, at his, her or their discretion, refuse to hear an appeal that is filed more than 30 days after the date of the Initial Reviewer's decision.
- 6.6 Where the Initial Reviewer is part of the Conflict of Interest or the perceived Conflict of Interest, or otherwise if the Initial Reviewer deems it appropriate or necessary, the Initial Reviewer will refer the disclosure to either:
- 6.6.1 if the UBC Person concerned is a Faculty Member, his or her Dean or the Dean's delegate; or
- 6.6.2 if the UBC person is not a Faculty Member, such other person as may be determined by the Office of the University Counsel,

and that person shall take on the role of Initial Reviewer. If the UBC Person concerned is a Faculty Member and the Faculty has an internal review process, then the Dean or the Dean's delegate shall act in accordance with such process. If it is not appropriate for either the Dean or the Dean's delegate to take on the role of Initial Reviewer, the matter will be referred to the Responsible Executive for a determination of who should take on the role of Initial Reviewer.

7. Role of the COI Committee in Assessing and Managing Conflicts of Interest and Perceived Conflicts of Interest

- 7.1 The COI Committee is charged with the following responsibilities:
- 7.1.1 to assess disclosures of Conflicts of Interest and perceived Conflicts of Interest to determine whether, subject to obtaining all other applicable approvals:
- (a) the proposed action or activity, including a proposed research project, is permissible as disclosed with no further action;
- (b) the proposed action or activity, including a proposed research project, is permissible only if a protocol is implemented to ensure that the Conflict of

Interest or perceived Conflict of Interest (as the case may be) is appropriately managed; or

- (c) the proposed action or activity, including a proposed research project, is not permissible;

- 7.1.2 to serve as the final avenue of appeal (such as where a UBC Person disagrees with the assessment of an Initial Reviewer or the assessment resulting from an internal process established by a Dean under Section 5 of the Procedures to this Policy);
 - 7.1.3 to audit random samples of disclosures reviewed and determined to be permissible by Initial Reviewers and by those reviewing disclosures in accordance with the process established within a particular unit. The COI Committee will also periodically audit random samples of management protocols implemented in accordance with Section 7.3 below;
 - 7.1.4 to educate UBC Persons on Conflicts of Interest, perceived Conflicts of Interest, Conflicts of Commitment and the application of this Policy;
 - 7.1.5 to review concerns, whether self-initiated or otherwise, that a Conflict of Interest or a situation giving rise to a perception of a Conflict of Interest has gone unreported, or has not been managed properly; and
 - 7.1.6 to fulfill such other roles and responsibilities assigned to it by any other policy of the University, or by the University Counsel.
- 7.2 Where the COI Committee determines that a proposed action or activity, including a proposed research project, is permissible as disclosed with no further action, the UBC Person may proceed with the proposed action or activity.
 - 7.3 Where the COI Committee determines that a proposed action or activity, including a proposed research project, is permissible only if a management protocol is implemented to ensure that the Conflict of Interest or perceived Conflict of Interest (as the case may be) is appropriately managed, the UBC Person may only proceed with the proposed action or activity in accordance with the management protocol.
 - 7.4 Where the COI Committee determines that an action or activity, including a proposed research project, is not permissible, the UBC Person must not proceed with the proposed action or activity.

8. Definitions

- 8.1 “**Administrative Head of Unit**” means a Director of a service unit, a Head of an academic department, a Director of a centre, institute or school, a Principal of a college, a Dean, an Associate Vice-President, the Registrar, the University Librarian, a Vice-President or the President or the equivalent.

- 8.2 **“Business”** means a corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or other legal entity organized for profit or charitable purposes, but excluding the University, an affiliated Hospital, a private medical practice, or other entity controlled by, controlling, or under common control with the University or an affiliated Hospital.
- 8.3 **“COI Committee”** means a committee established by the University Counsel to carry out the roles set out in Section 7 of this Policy, and which includes at least one independent person who is neither a Faculty Member nor a staff member of the University.
- 8.4 **“Conflict of Commitment”** has the meaning given to it in Section 2.1 of this Policy.
- 8.5 **“Conflict of Interest”** means a situation in which a UBC Person, or his or her Related Party(ies), has a personal interest that conflicts or could conflict with the UBC Person’s obligations to the University. Please note:
- 8.5.1 The existence of a Conflict of Interest involves two elements: the UBC Person’s or a Related Party’s personal interest(s), and the UBC Person’s obligations to the University. Personal interests may include business, commercial or financial interests, as well as personal matters and career interests. A UBC Person’s obligation to the University is to act in the University’s interests, which includes acting in support of the University’s integrity and fundamental mission and avoiding circumstances that may undermine public confidence and trust. The University has many diverse objectives, which include many supporting commitments, goals and actions. From time to time these objectives, commitments, goals and actions may appear to be, or may actually be in conflict with one another. In such cases, the University’s overriding interest is that its activities are undertaken with integrity and in accordance with the highest ethical standards.
- 8.5.2 Conflicts of Interest may be actual or potential.
- (a) An actual Conflict of Interest is a situation where the personal interest actually conflicts with the UBC Person’s obligations to the University.
- (b) A potential Conflict of Interest is a situation where the personal interest has not yet conflicted with the UBC Person’s obligations to the University, but might be expected to.
- 8.6 **“Executive Position”** means any position that includes responsibilities for a material function of the operation or management of a Business.
- 8.7 **“Faculty Member”** means, for the purposes of this Policy, a person employed by the University as a professor, associate professor, assistant professor, professor of teaching, clinical professor, clinical associate professor, clinical assistant professor, clinical instructor, instructor I, instructor II, senior instructor, twelve-month lecturer, or in an equivalent position designated by the applicable senate.

- 8.8 **“Financial Interest”** means having or having the expectation to receive:
- 8.8.1 greater than a 5% ownership interest in a single entity; or
 - 8.8.2 anything with a monetary value exceeding \$5,000 in any one calendar year, including remuneration (e.g. salary, consulting fees, retainers, honoraria, bonuses, gifts, speaker’s fees, advisory board remuneration, finders or recruitment fees), equity interests (e.g. stocks, stock options or other ownership interests), and intellectual property rights (e.g. patents, copyrights, royalties or other payments from such rights).
- 8.9 **“Initial Reviewer”** means the individual responsible for initially reviewing a UBC Person’s disclosures of Conflicts of Interest and perceived Conflicts of Interest or approving a UBC Person’s Conflicts of Commitment. Except as otherwise designated by the University Counsel, a UBC Person’s Initial Reviewer is the Administrative Head of Unit in which that UBC person holds his or her primary appointment.
- 8.10 **“Non-University Activity”** means any activity outside a UBC Person’s scope of work with the University and includes Outside Professional Activities.
- 8.11 **“Outside Professional Activity”** means any activity outside a UBC Person’s scope of work with the University that involves the same specialized skill and knowledge that the UBC Person utilizes in his or her work with the University and includes the operation of a Business, consulting or advisory services, external teaching, external academic appointments and external speaking engagements.
- 8.12 **“Related Party”** means a UBC Person’s immediate family member (e.g. spouse, partner, child, parent or sibling), or other person living in the same household, any other person with whom the UBC Person shares a Financial Interest, either directly or indirectly, or any entity in which the UBC Person has an ownership interest of more than 5%.
- 8.13 **“UBC Person”** means all individuals identified in Section 1.1 of this Policy.



PROCEDURES ASSOCIATED WITH THE COI POLICY

Pursuant to the Regulatory Framework Policy, the President may approve Procedures or the amendment or repeal of Procedures. Such approvals must be reported at the next meeting of the UBC Board of Governors or as soon thereafter as practicable.

Capitalized terms used in these Procedures that are not otherwise defined herein shall have the meanings given to such terms in the accompanying Policy, being the COI Policy.

1. Annual Disclosures

- 1.1 At least annually, any UBC Person who is a Faculty Member or who has signing authority over an active account that is used for a research purpose, will submit a completed disclosure to his or her Initial Reviewer that discloses the following:
 - 1.1.1 all Outside Professional Activities;
 - 1.1.2 all circumstances (if any) that give rise to a Conflict of Commitment;
 - 1.1.3 all circumstances (if any) that give rise to a Conflict of Interest or a perceived Conflict of Interest; and
 - 1.1.4 such additional information asked for in the prescribed annual disclosure form, as it may be amended from time to time.
- 1.2 Annual disclosures are to be made utilizing the Conflict of Interest / Conflict of Commitment module of the Researcher Information Services (RISe) system.

2. Recognizing Conflicts of Commitment

- 2.1 The following are examples of situations where a Conflict of Commitment may exist.
 - 2.1.1 Where a UBC Person engages in Non-University Activities during his or her normal work hours at the University.
 - 2.1.2 Where a UBC Person employed on a full-time basis by the University enrolls in a degree or diploma program at the University, or any other educational institution.
 - 2.1.3 Where a UBC Person uses University resources for Non-University Activities.

3. Recognizing Conflicts of Interest and Perceived Conflicts of Interest

- 3.1 As each situation depends upon its specific facts, the University has not attempted to develop an exhaustive list of Conflicts of Interest. Rather, UBC Persons must conduct themselves at all

times with the highest ethical standards in a manner that will bear the closest scrutiny. The following are examples of situations where a Conflict of Interest exists:

- 3.1.1 Where a UBC Person's responsibility to instruct and evaluate students in a fair, unbiased and effective manner is or could be impeded or compromised. The inherent power imbalance that exists between a UBC Person and a student must not be used for personal benefit.
- 3.1.2 Where a UBC Person or a Related Party of the UBC Person has a Financial Interest in the outcome of his or her research. In the area of research, vigilance is required. The University's commitment to liaise with industry and to transfer technology, the growth of industry sponsored research, and the substantial increase in the University's interactions with outside organizations generally all lead to a corresponding increase in the potential for Conflicts of Interest. In addition, various governmental and other agencies that fund research are imposing increasingly stringent Conflicts of Interest requirements on investigators and institutions applying for research funding. UBC Persons must comply with this Policy and any applicable Conflicts of Interest policies imposed by other organizations, agencies or institutions.
- 3.1.3 Where a UBC Person or a Related Party has a Financial Interest in their teaching activities at the University, other than their annual salary from the University.
- 3.1.4 Where a UBC Person has influence over a decision about a proposed relationship between the University and a Business in which the UBC Person or his or her Related Party has a Financial Interest or holds an Executive Position.
- 3.1.5 Where a UBC Person or his or her Related Party obtains a Financial Interest or an Executive Position in a Business with which the University has an existing relationship and the Business is related to the UBC Person's work at the University.
- 3.1.6 Where a UBC Person is in a position to influence human resource decisions (such as recruitment, offer of employment, evaluation of performance, promotion, granting of tenure, or termination of employment) or admission decisions with respect to a person with whom the UBC Person has a relationship that might reasonably be perceived as creating a Conflict of Interest.
- 3.1.7 Where a UBC Person uses his or her position with the University to solicit students, other UBC Persons, government agencies, private companies, or members of the public for Non-University Activities, including employing or soliciting employment from students and other UBC Persons for services in a personal or commercial matter.
- 3.1.8 Where a UBC Person uses information that is acquired as a result of his or her relationship with the University and not in the public domain for Non-University Activities unless the UBC Person has proprietary rights (usually enforceable through copyright) to that information. UBC Persons should also be aware that insider trading restrictions may also apply to them.

- 3.1.9 Where a UBC Person's obligations to a board of directors, advisory boards, or the like of an outside organization interfere with or compromise the UBC Person's obligations to the University.
- 3.1.10 Where a UBC Person accepts gifts with a value of \$500 or more that would not have been offered if not for the UBC Person's position at the University, or work within the scope of a UBC Person's employment with the University.
- 3.1.11 Where a Faculty Member enrolls as a student in his or her own Faculty.
- 3.1.12 Where personal considerations compromise a Faculty Member's professional judgment in conducting or reporting research, teaching, or carrying out administrative activities.

4. Assessing and Managing Conflicts of Interest, Perceived Conflicts of Interest and Conflicts of Commitment

- 4.1 Annual disclosures will be subject to a preliminary evaluation conducted automatically against the pre-set parameters in the RISE system, which may be revised from time to time.
- 4.2 Without limiting the discretion of a person assessing a disclosure to consider all relevant factors, the following factors must be considered in assessing all disclosures:
 - 4.2.1 the impact on the UBC Person's ability to satisfy his or her obligations to the University;
 - 4.2.2 the degree to which the proposed action will be detrimental to the interests of the University, or in the research context, the degree to which it may compromise an investigator's professional judgment in conducting or reporting research; and
 - 4.2.3 the extent to which the proposed action or activity may be managed through an appropriate management protocol.
- 4.3 Where a person who reviews a disclosure is unable to determine that a proposed action or activity is permissible with no further action, the disclosure must be referred to the next level of review.
- 4.4 Where a disclosure in relation to a Conflict of Interest or a perceived Conflict of Interest is referred to the COI Committee, the COI Committee will complete a committee report for each disclosure and provide the UBC Person with a copy of the committee report.
- 4.5 Where the COI Committee determines that a management protocol is appropriate in relation to a Conflict of Interest or a perceived Conflict of Interest, the Initial Reviewer will monitor compliance with the management protocol.
- 4.6 Where the COI Committee determines that a Conflict of Interest exists, the COI Committee will:
 - 4.6.1 provide the Responsible Executive with any additional information shared by the UBC Person that is not part of the disclosure;

- 4.6.2 disclose the existence of the Conflict of Interest to a funding agency, where relevant to an application for research funding to that agency; and
- 4.6.3 disclose the existence of the Conflict of Interest to the applicable research ethics board where the Conflict of Interest relates to a research project involving human participants.
- 4.7 Where the COI Committee determines that the proposed action or activity is permissible so long as the Conflict of Interest or a perceived Conflict of Interest is appropriately managed, the COI Committee may itself create, amend and/or oversee the implementation of the management protocol, or may instruct the Initial Reviewer to do so.
- 4.8 The forms of all disclosures and reports described in these Procedures will be prescribed by the Office of the University Counsel in consultation with the academic community.

5. Internal Review Process for Conflicts of Interest and Perceived Conflicts of Interest

- 5.1 A Dean, in consultation with the Office of the University Counsel, may establish an internal review process within his or her Faculty for the assessment of Conflicts of Interest and perceived Conflicts of Interest as appropriate for his or her Faculty. Generally, a level of review within each Faculty is desirable to facilitate the expeditious assessment of matters and ensure awareness of and vigilance to Conflict of Interest and perceived Conflict of Interest issues by all UBC Persons within that Faculty. For example, the appropriate process may commence with a disclosure being reviewed by the Administrative Head of Unit (as Initial Reviewer), then being referred to the Dean, and finally being referred to the COI Committee, as necessary. A Dean, in consultation with the Office of the University Counsel, may establish additional reporting requirements for Faculty Members in his or her Faculty. Provision may be made for those cases where a UBC Person disagrees with the assessment of the Initial Reviewer.
- 5.2 In establishing an appropriate internal review process, the Dean should consider the following factors:
 - 5.2.1 the volume of disclosures the Faculty generates; and
 - 5.2.2 the need for specialized knowledge and expertise in the academic/professional discipline to assess Conflicts of Interest or perceived Conflicts of Interest.

6. Guidelines for Conflicts of Commitment

- 6.1 Where an Initial Reviewer is the Head of an academic department, the Initial Reviewer may issue guidelines that address Conflicts of Commitment in his or her academic department (other than those described in Section 3.2 of the Policy), provided that such guidelines are in accordance with this Policy and Procedures. The guidelines may:
 - 6.1.1 provide for streamlined disclosure and approval procedures; and
 - 6.1.2 establish conditional pre-approvals for defined activities and categories of activities that may give rise to Conflicts of Commitment.

- 6.2 Guidelines may only be issued with the prior consent of the Dean of the Initial Reviewer's Faculty.
- 6.3 Guidelines are only in effect for so long as the Initial Reviewer who issued the guidelines acts as Initial Reviewer—for greater certainty, guidelines adopted by an Initial Reviewer are no longer valid when they leave that position, and previous guidelines do not bind the succeeding Initial Reviewer.
- 6.4 The Initial Reviewer must keep an up-to-date version of the guidelines filed with the Conflict of Interest Administrator at all times.

7. Advisory Role of Office of the University Counsel

- 7.1 An Initial Reviewer, Administrative Head of Unit or the COI Committee may at any time seek the advice of the Office of the University Counsel with respect to any matter pertaining to this Policy, including without limitation, the establishment of a process for the assessment of Conflicts of Interest and perceived Conflicts of Interest, the assessment of any disclosure and the development of appropriate protocols for managing Conflicts of Interest and perceived Conflicts of Interest.

8. Sanctions

- 8.1 This Policy is meant to protect both the University and UBC Persons. The Administrative Head of Unit will notify the University Counsel and take immediate and appropriate action when he or she becomes aware of violations of this Policy or the Procedures.
- 8.2 Sanctions will be commensurate with the seriousness of the violation. Any disciplinary sanction that is imposed on a UBC Person pursuant to this Policy will be in accordance with the applicable terms and conditions of employment, including any applicable collective agreement, or such other contractual process(es) applicable to the UBC Person.
- 8.3 In addition to any disciplinary sanctions, where a researcher fails to comply with this Policy or these Procedures, the Initial Reviewer or the relevant Dean may direct Financial Services to freeze that researcher's research account(s), until further notice and the University may terminate funding or require the repayment of any financial benefit gained by the researcher.



EXPLANATORY NOTES REGARDING THE COI POLICY AND ASSOCIATED PROCEDURES

Issued July 2019 by the Office of the University Counsel

The OUC has prepared these Explanatory Notes to provide context and background regarding the COI Policy. These Explanatory Notes do not replace or supersede the content of the COI Policy and its Procedures.

Policy Long Title:	Conflict of Interest and Conflict of Commitment
Policy Short Title:	COI Policy
Policy Number:	SC3
Responsible Executive:	University Counsel
Responsible Board Committee:	Employee Relations Committee
Related Policies:	GA2 - Regulatory Framework Policy SC6 -Scholarly Integrity Policy LR2 - Research Policy LR11 - Inventions Policy LR9 - Human Research Policy LR8 - Technology Equity Policy
History:	<ul style="list-style-type: none">• The COI Policy and Procedures were first approved by the Board of Governors in September 1992;• The COI Policy and Procedures were revised in February 2012;• The COI Policy was updated in July 2019 to reflect a new policy identification system; it is currently identified as the COI Policy, its long title is Conflict of Interest and Conflict of Commitment, and its number is SC3. The previous identification number for this policy was #97.
Related Legislation:	<i>Freedom of Information and Protection of Privacy Act</i> R.S.B.C. 1996, c. 165