



IGC

The Institute of
Governance & Compliance

IGC Conflict of Interest

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INTRODUCTION

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

IGC recognises that involvement in such commercial activities carries many advantages, including the practical application of new technologies, the provision of an additional source of research funding and insights into commercial and societal needs and the receipt of royalty income for the Institute.

These activities can produce positive benefits, but they also have the potential for diverting the Institute and its employees from their primary educational, research, and service missions. For example, conflicts of interest can arise when the interests of a commercial venture, from which an Institute employee derives direct benefit, differ from the interests and primary obligations of the Institute as a whole, or when the commercial venture consumes an undue share of the employee's attention. The Institute believes it to be essential that its employees should manage or avoid, and be seen to manage or avoid, such conflicts.

While IGC is keen to encourage relevant outside interests, staff will need to ensure that such work or consultancy complies with IGC's relevant policies.

The full prior disclosure of interests is an important (and in many cases, sufficient) mechanism for the management of conflicts of interest. Employees are required to complete the "Register of Interests return" in January of each year.

This document offers guidelines on the Institute Policy and provides some practical assistance to its employees on how they should manage potential or actual conflicts of interest. This document supplements the Conflict-of-Interest Regulations.

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 with their line manager. If you are uncertain how the Conflicts of Interest Policy might affect your activities, please contact; the IGC Director of Professional Services for assistance.

CONFLICTS OF INTEREST GUIDELINES

Conflicts of Interest Policy

IGC Conflicts of Interest Policy recognises that the Institute wishes to give a great deal of freedom to employees to engage in external activities, but in doing so, needs to put in place a mechanism to protect its employees, and itself, from reputational damage and other liabilities.

IGC Conflicts of Interest Policy provides for a three-fold approach:

- Disclose always
- Manage the conflict in most cases
- Prohibit the activity when necessary to protect the public interest or the interest of the Institute.

Conflicts of Interest Guidelines

The purpose of these Conflict-of-Interest Guidelines is:

- To highlight and illustrate examples of potential conflict situations, some of which are not obvious.
- To set out examples of activities that can be managed (and how they can be managed), and other examples that the Institute would consider unmanageable (and therefore cannot allow).

The most important message in the document is that staff should always disclose an activity if they are in doubt about whether it represents a conflict of interest. The Guidelines describe how such disclosure should be made at the time (i.e., before staff engage in the activity), and by completion of a “Register of Interests”

As an additional source of help, the Conflicts of Interest Regulations contain a list of sample questions that a manager may use to elucidate the nature and potential seriousness of a conflict of interest. If they feel for any reason that they are unable to adjudicate a conflict of interest, then the matter should be referred up to the next level of management.

TYPE OF CONFLICT OF INTEREST

"Conflicts of Interest" arise where there is a conflict between the official responsibilities of a person in a position of trust and any other interests the individual may have.

where the individual could be seen to be influencing Institutional matters for actual or potential personal benefit. Such a conflict arises, for instance, when a member of staff can influence, directly or indirectly, Institute business, research or other decisions in ways that could lead to gain for them, their family, or others to the detriment of the Institute's integrity and its missions of teaching, research and public service. These are situations in which financial or other personal considerations may compromise, or have the appearance of compromising, an employee's professional judgement in administration, management, instruction, research, and other professional activities.

Conflicts of interest may also include "Conflicts of Commitment" which exist when the external activities of a member of staff are so substantial or demanding in terms of time and/or attention to interfere with their responsibilities to the Institute. Conflicts of this type primarily involve questions of obligation and effort but may often be tied to financial remuneration or other inducements and as such may also constitute a conflict of interest.

The main categories of conflicts of interest are:

- I. Educational Mission (especially concerning supervision)
- II. Research Integrity
- III. Financial Interest
- IV. Commitment and Loyalty

I. Conflicts of Educational Mission

The Institute's employees who are involved in educating, training, supervising, or directing the work (education) of students, should ensure that the education they provide is appropriate to the student.

The Institute has a primary objective to educate and train students. For example, special care must be taken to assure that the choice of a student's research project and the direction of that research is not, and does not appear to be influenced by, their supervisor's financial interest. Similarly, teaching provided to another institution should not compete with IGC courses.

II. Conflicts of Research Integrity

The Institute's employees should maintain the highest standards of integrity in the conduct of research.

The complete, objective, and timely dissemination of new findings through publications, is essential for research integrity. In this context, 'publication' means any means of dissemination of research findings, including publication in a journal, information placed on the web, conference presentations or any other kind of scholarly communication. Note that if a particular research project is covered by a contract with an external sponsor, then care should be taken to follow agreed procedures for publication.

The potential for personal gain must not jeopardise nor appear to jeopardise the integrity of research activities, including the choice of research, its design, the interpretation of results, or the reporting of such results.

III. Conflicts of Financial Interest

The Institute's employees have a responsibility to respect and promote the financial interests of the Institute. Staff should wherever possible ensure that the Institute:

- receives appropriate financial benefits from the provision of research services, including consultancy and other services conducted through the Institute
- receives appropriate financial benefits from the use or commercialization of its intellectual property
- receives appropriate financial benefits from the use of other resources and assets, including equipment, technical staff, and facilities
- makes responsible use of its financial resources concerning the purchase of goods as specified in the Institute's Financial Regulations.

IV. Conflicts of Commitment and Loyalty

The Institute's employees owe their primary commitment and allegiance to the Institute. Membership of Committees, Boards, Advisory Groups etc (External Appointments) implies an obligation (and sometimes a statutory duty) to act in the best interests of the external body. These duties may conflict with those duties and obligations as employees of the Institute. Where an External Appointment is allowed under the Consultancy Guidelines or otherwise allowed by the Institute, this does not absolve the employee from ensuring that he or she continues to give their primary commitment and allegiance to the Institute. Managing conflicts of commitment is primarily a matter of individual staff and the Head of the department.

REMEMBER: THE OVERRIDING PRINCIPLE IS THAT IF IN DOUBT, DISCLOSE.

PROCESS OF DISCLOSING AND REVIEW

The formal process of managing individual instances of actual or potential conflicts of interest is described in detail in the Conflicts of Interest Regulations. In essence, any individual who believes they may have a conflict of interest should consult their head of the department. Department Heads will report to the Academic Advisory board.

Should the Academic Advisory board be placed in a conflict-of-interest situation then the Executive Vice President/Managing Director must be consulted.

CONFLICTS OF INTEREST REGULATIONS

This document, together with the Conflicts of Interest Policy Statement and Conflicts of Interest Guidelines, forms the Conflicts of Interest Policy of the Institute of Governance and Compliance.

Purpose

A conflict of interest is a conflict between the official responsibilities of a person in a position of trust and any other interests the individual may have, where the individual could be seen to be influencing Institutional matters for actual or potential personal benefit. The Institute has no objection in principle to members of staff having outside interests, so long as appropriate regulations on time spent on consultancy, etc., are observed.

To enable the Institute to safeguard against potential conflicts of interest, Human Resources maintain a Register of Interests for all relevant staff and in addition to codes of conduct of members of the Council and its committees and working parties. It is the responsibility of staff to respond correctly to requests made of them. The Register of Interests is covered more fully in Appendix 3.

Any action or involvement or interest which may be seen to lead to a conflict of interest should be disclosed where requested and acted upon as appropriate as described in the following paragraphs.

Full disclosure followed by aggressive monitoring and conflict management is the key to preventing and resolving conflict situations. Full disclosure of relevant information and the establishment of a public record is in the best interest of both the institution and the member of staff. It demonstrates good faith on the part of the employee and protects his or her reputation and that of the Institute.

Disclosure will not necessarily restrict or preclude an employee's activities. Activities that may at first appear questionable may be deemed acceptable and permissible when all facts regarding the activity are examined.

Process

Employees are responsible for disclosing potential conflicts of interest, and/or commitment. Reporting mechanisms for disclosure should begin with the individual's line manager and through them to the Head of the department or in the case of Professional Services, the appropriate Director. In cases where an employee has multiple reporting responsibilities (e.g., institutes, centres, laboratories) disclosure shall be reported to the primary unit head, and other superiors shall be informed of the disclosure in writing. In all cases, the disclosure and its outcome shall be noted. Where a real or potential conflict of interest exists this, together with the agreed outcome, shall be noted on the individual's personnel file.

Consultants to the Institute are also required to divulge any personal or family financial holdings or situations that could create a conflict of interest and/or introduce bias into their professional judgement. Such disclosures should be made to the Institutes, and appropriate determination shall be made on the management of any conflict.

Disclosure in all cases shall include the type of potential conflict (conflict of interest or commitment), the nature of the activity, a description of all parties involved, the potential financial interests and rewards, possible violations of legal requirements, and any other information which the employee feels necessary to evaluate the disclosure.

After appropriate evaluation, the head of the department may find that a proposed or ongoing research or consultancy agreement and the employee's interests show no conflict or apparent conflict and are accepted without further review. Conversely, the head of the department may determine that a given situation raises some questions of propriety and requires a higher level of review. For each situation, the head of the department shall create a written record of his or her determination that the situation either is acceptable, unacceptable or requires review at a higher level.

The tables below indicate the levels at which review should take place for all staff, with any individual always disclosing to their head of the department, and that head of the department referring the case to the next higher level of management as appropriate:

Within Schools:

- Member of staff
- Head of the Department
- Chair of Academic Advisory Board

Within Professional Services:

- Member of staff
- Department Manager
- Chief Operating Officer
- Executive Vice President/Managing Director

Evaluating Disclosures

Those evaluating disclosures at each level of review need a framework for determining the permissibility of activities and for assessing the degree to which disclosed activities may pose risk to the staff member, the institution, and other entities that may be affected. The appendices to this document list sample questions for use in evaluating potential conflicts of interest or commitment. The lists are not exhaustive and other questions related to special circumstances should be added as appropriate.

When presented with the facts of a given situation, the reviewer must first determine if there is legitimate cause for concern related to the inappropriateness of behavior or evidence of bias by the professional activities of the staff member. The list of questions in Appendix 1 is suggested for this initial determination.

If it appears that there is genuine cause for concern, the reviewer must ascertain whether appropriate controls are in place to deal with possible conflicts. Questions the reviewer should ask, as relevant, are listed in Appendix 2 of this document.

If the reviewer is uncertain as to the correct way in which to deal with a situation, they should refer the matter to the next level of management or consult the appropriate Professional Services director for advice.

The consequences of a failure to comply with these regulations will be dealt with by the head of the department, including where necessary via appropriate disciplinary procedures.

Appendix 1
QUESTIONS FOR EVALUATING POTENTIAL CONFLICTS OF INTEREST

1. Has all relevant information concerning the staff member's activities been acquired (i.e., has there been full disclosure)
2. Do the staff member's relevant financial interests suggest the potential for conflicts or the appearance of conflicts or bias?
3. Do the staff member's reported external time commitments exceed permissible levels?
4. Is there any indication that the staff member in his or her professional role has improperly favoured any outside entity or appears to have an incentive to do so?
5. Has the staff member inappropriately represented the University to outside entities?
6. Does the staff member appear to be subject to incentives that might lead to conflicts or bias?
7. Is there any indication that obligations to the University are not being met?
8. Is the staff member involved in a situation that might raise questions of bias, inappropriate use of university assets, or other impropriety?
9. Could the staff member's circumstances represent any possible violation of applicable legal requirements?
10. Do the current engagements of the staff member represent potential conflicts between outside interests (e.g. working on projects simultaneously for competing for business entities)?
11. Could the proposed activity withstand public scrutiny?

Appendix 2
QUESTIONS RELATING TO THE CONTROL OF A CONFLICT-OF-INTEREST SITUATION
IN A RESEARCH CONTEXT

1. Will the negotiation of relevant research affiliations or other contracts be handled by disinterested representatives of the institution?
2. Will the research work plan receive independent peer review before its initiation?
3. Are there mechanisms in place to prevent the introduction of bias into research projects (i.e., is the protocol double-blinded? Are research subjects randomly selected?)?
4. Will the project be supervised by someone with no conflicting interests?
5. Are there means to verify research results?
6. Will data and materials be shared openly with independent researchers? If not, who determines accessibility to such resources?
7. Will the product of a collaborative effort with an outside party be published in peer-reviewed scholarly literature?
8. Will the sponsor and/or relevant parties receive acknowledgement in public presentations of the research results?

Note: The goal in applying these questions should be to determine the correct mode of dealing with any real or apparent conflicts.

Appendix 3 REGISTER OF INTERESTS

REGISTER OF INTERESTS OF:

Directorships, Partnerships, Retained Consultancies, Trusteeships, and Membership of External Committees.

FOR ALL STAFF:

Members of staff could also be engaged in trading activities or other remunerated positions, without necessarily holding consultancies etc, in which there could be deemed to be a conflict of interest with the Institute.

ANNUAL RETURN:

All members of the Institute are required to complete and submit, or review and confirm, an Annual Return in January of each year. Please note a null return is required if there are no relevant external interests.

Before submission, the Return may be discussed with your Head of the department, who is best placed to understand how any external activities overlap with your Institutional activities.

IMPORTANT NOTE:

This Return does not in any way replace or supersede the requirement for staff to seek permission from their Head of department or Professional Service for certain activities.

In addition, staff are reminded that failure to declare a significant interest is potentially a disciplinary matter and therefore staff are advised to declare such an interest if they are in any doubt about its relevance or materiality.

Chairman
Aceramic Advisory board



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