



<b>SUBJECT</b>	Proposed Policy Amendment COI Policy (SC3)
<b>SUBMITTED TO</b>	Employee Relations Committee
<b>MEETING DATE</b>	November 20, 2023
<b>SESSION CLASSIFICATION</b>	Recommended session criteria from Board Meetings Policy: OPEN
<b>REQUEST</b>	For input only - No action requested
<b>LEAD EXECUTIVE</b>	Hubert Lai, K.C., University Counsel
<b>SUPPORTED BY</b>	Chelsea Thompson, Legal Counsel

### PRIOR SUBMISSIONS

The subject matter of this submission has not previously been considered by the Employee Relations Committee.

### EXECUTIVE SUMMARY

The COI Policy and its associated Procedures (together referred to as the “**Policy**” in this submission) have been in place since September 1992. The responsible Board Committee is the Employee Relations Committee and the Responsible Executive is the University Counsel. The Policy serves to 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 to provide procedures whereby such situations are disclosed and either avoided or appropriately managed. The Policy last underwent a comprehensive review and revision in 2005 which also linked to the integration of an online Conflict of Interest management system in the Research Information System (“**RISe**”). Less substantive updates took place in 2012, when the Policy was brought up to date with the applicable standards and requirements of various funding agencies, most significantly, the 2nd edition of the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans. In 2019, the Policy was updated minimally to reflect a new policy identification system. For ease of reference, the current Policy is attached as Supplemental Materials 1.

Since the 2005 revision, all faculty members have been required to submit annual Conflict of Interest and Conflict of Commitment disclosures in RISe. Staff members were not required to submit annual disclosures, but were instead required to submit disclosures as and when conflicts arose. In 2018, at the request of the Audit Committee of the Board of Governors, the Office of the University Counsel (“**OUC**”) implemented an annual disclosure system for staff with specific management responsibilities (“**Administrative Staff**”). This system was initially implemented using FluidReview and then transitioned to Workday in 2022. The Policy needs to be updated to reflect the implementation of this annual reporting requirement for Administrative Staff and also to incorporate a range of best practices issues that have evolved since the 2005 revision. The OUC has convened a Policy Development Committee (“**PDC**”) consisting of subject matter experts and key stakeholder representatives to review the Policy and make recommendations to the Board of Governors regarding amendments to the Policy. The members of the PDC are set out in Supplemental Materials 2. The primary objectives of the review were to:

- a) add a requirement and process for Administrative Staff to submit Conflict of Interest disclosures on an annual basis through Workday;
- b) broadening the Policy, which was strongly focussed on the academy, to include more information about scenarios applicable to Administrative Staff;

- c) clarify that the Policy applies to students only to the extent that they are carrying out UBC research;
- d) streamline and enhance the process for addressing and investigating Conflict of Interest complaints and concerns brought before the Conflict of Interest Manager and Conflict of Interest Committee;
- e) update the Policy language (i.e., enhanced definitions, gender neutral language, etc.);
- f) allow for the establishment of Rules and Guidelines as contemplated by the Regulatory Framework Policy (GA2); and
- g) improve readability (e.g. consolidated content and corresponding subject matter headings).

The PDC has developed proposed amendments to the Policy, a copy of which is attached as Appendix 1. In addition, a black-lined version of the proposed document, showing the proposed changes in comparison to the current Policy, is attached as Supplemental Materials 3. Since there have been many textual changes to improve readability and flow, a list of the specific material changes that are contained in the proposed amendments is also attached and can be found in Supplemental Materials 4.

## NEXT STEPS

The proposed amendments are supported unanimously by the PDC and by the Responsible Executive. Subject to any feedback from the Employee Relations Committee, the next step will be to publish the proposed amendments on the website of the OUC and in UBC Today with a call for comments from the UBC community. The consultation period is expected to run for approximately two months. The PDC will reconvene after the consultation period to consider the feedback from the UBC community. After the PDC amends the proposal as appropriate, a final recommendation is expected to be submitted to the Board of Governors, for approval in March 2024.


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## APPENDICES

1. Proposed Amended COI Policy

## SUPPLEMENTAL MATERIALS (optional reading for Governors)

1. [Current COI Policy and Associated Procedures](#)
2. List of Members of the Policy Development Committee
3. Blackline showing proposed amendments to the current COI Policy
4. List of specific material changes in proposed amendments

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

### Background & Purposes:

UBC's mission and mandate as a public institution of higher education is the advancement and dissemination of knowledge. UBC encourages all UBC Persons to seek and participate in research, to consult widely, and to engage in activities, including Non-University Activities, in a manner that does not interfere with their obligations to UBC.

Occasionally, UBC Persons may find themselves in either a Conflict of Interest or a Conflict of Commitment. The existence of a Conflict of Interest or Conflict of Commitment does not necessarily imply wrongdoing by a UBC Person. Such conflict(s) may exist regardless of a UBC Person's character, intentions, or motivations. However, Conflicts of Interest or Conflicts of Commitment that go unnoticed or are improperly managed may harm the reputation and integrity of the UBC Person(s) and UBC; and may also undermine the public's confidence in the abilities of the UBC Person(s) and UBC to pursue and disseminate knowledge, devoid of bias and personal interests. Without that public confidence, the effectiveness of UBC as a public institution and of UBC Persons is diminished.

The purposes of this Policy are to identify:

- situations that may give rise to a Conflict of Interest or Conflict of Commitment;
- a UBC Person's responsibility to identify, disclose, assess, and manage, if appropriate, a Conflict of Interest or Conflict of Commitment;
- the process for investigating any Conflict of Interest or Conflict of Commitment; and
- disciplinary actions that may result from a violation of this Policy or any associated Procedures or Rules.

*Capitalized terms used in this Policy that are not otherwise defined herein shall have the meanings given to such terms in any associated Procedures or Rules.*

## 1. General

- 1.1 All UBC Persons are responsible for informing themselves and complying with:

- 1.1.1 the requirements of this Policy and any associated Procedures and Rules; and
- 1.1.2 other applicable conflicts of interest or conflicts of commitment policies imposed by other third-party organizations, agencies, or institutions related to their activities at UBC.
- 1.2 All Faculty Members are responsible for informing themselves and complying with the requirements of any Tri-Agency or the U.S. Department of Health and Human Services; internal or external governance bodies (e.g., UBC's research ethics boards, UBC's Animal Care Committee, regulatory colleges such as the College of Physicians and Surgeons of British Columbia) that authorize research; other funding and granting agencies and organizations or third-party contracts, if related to their activities at UBC.
- 1.3 All UBC Persons are responsible for ensuring that participation in a UBC related activity and any Non-University Activity by a UBC Person is undertaken in compliance with this Policy, including ensuring such activities are conducted in a manner that:
  - 1.3.1 is consistent with UBC's mission and mandate to advance and disseminate knowledge;
  - 1.3.2 maintains the general public's trust and confidence that UBC and UBC Persons are able to undertake UBC's mission and mandate devoid of bias and personal interest; and
  - 1.3.3 is undertaken by UBC Persons acting with integrity and adhering to the highest ethical standards at all times, including declaring and appropriately managing any Conflict of Interest or Conflict of Commitment in a timely, open, forthright, constructive and accountable manner.

## **2. Conflicts of Commitment**

### **2.1 Identifying Conflicts of Commitment**

- 2.1.1 All UBC Persons are responsible for identifying, disclosing, and appropriately managing any Conflict of Commitment in accordance with this Policy and conducting themselves with the highest ethical standards, including considering any Conflict of Commitment in a manner that will bear the closest scrutiny.
- 2.1.2 UBC has not attempted to develop an exhaustive list of Conflicts of Commitment as each situation is dependent upon its specific facts. However, the following are examples of situations where a Conflict of Commitment is deemed to exist:
  - (a) where a UBC Person engages in a Non-University Activity during their normal work hours at UBC;
  - (b) where a UBC Person employed on a full-time basis by UBC enrolls in a degree or diploma program at UBC, or any other educational institution;

- (c) where a UBC Person uses UBC resources for Non-University Activities;
- (d) 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; or
- (e) where a full-time Faculty Member will be away from their place of work at UBC for a period of 30 consecutive days (excluding holidays) as a result of the Faculty Member's Outside Professional Activities.

## 2.2 Disclosing Conflicts of Commitment

- 2.2.1 If a UBC Person intends to engage in any activity, including any Non-University Activities, that could lead to a Conflict of Commitment, then the UBC Person must immediately disclose that activity to their Initial Reviewer pursuant to Section 3 of the Procedures. These disclosure obligations apply to all UBC Persons as soon as the Conflict of Commitment arises and continue until the Conflict of Commitment ceases to exist.
- 2.2.2 In addition, all Faculty Members and Staff Members are required to file annual Conflict of Commitment disclosures.
- 2.2.3 If a Faculty Member intends to engage in any activity that exceeds the thresholds set out in Section 2.1.2(d) or Section 2.1.2(e) of this Policy, then they must disclose and obtain prior written authorization from the Dean of the faculty in which they hold their primary appointment, a copy of which must be filed with the COI Manager.
- 2.2.4 All UBC Persons are encouraged to bring any questions or concerns regarding their Conflicts of Commitment to their Initial Reviewer, who may consult with the COI Manager.

## 2.3 Assessing and Managing Conflicts of Commitment

- 2.3.1 If an Initial Reviewer becomes aware of a Conflict of Commitment, whether through disclosure or otherwise, then they must assess the Conflict of Commitment taking into consideration the following:
  - (a) whether a UBC Person's engagement in the Non-University Activity interferes with their professional obligations to UBC, including the elements set forth in Section 1.3 of this Policy; and
  - (b) whether the benefit to UBC from a UBC Person's engagement in the Non-University Activity outweighs the interference with their professional obligations to UBC or would outweigh the interference if appropriately managed through a Management Plan.

- 2.3.2 Once the Initial Reviewer has assessed the Conflict of Commitment situation, the Initial Reviewer, may determine what action, if any, is appropriate pursuant to Section 4 of the Procedures.

### **3. Conflicts of Interest**

#### **3.1 Identifying Conflicts of Interest**

- 3.1.1 All UBC Persons are responsible for identifying, disclosing, and appropriately managing any Conflict of Interest in accordance with this Policy and conducting themselves at all times with the highest ethical standards, including considering any Conflict of Interest in a manner that will bear the closest scrutiny.
- 3.1.2 Any UBC Person who engages in Non-University Activities is responsible for identifying any Conflict of Interests arising naturally from their engagement in Non-University Activities.
- 3.1.3 Identifying a Conflict of Interest involves two elements:
- (a) the UBC Person's or a Related Party's personal interest(s), including without limitation, business, commercial or Financial Interests and personal matters and career interests; and
  - (b) the UBC Person's professional obligations to UBC.
- 3.1.4 A Conflict of Interest includes the following situations:
- (a) an actual Conflict of Interest;
  - (b) a situation where the UBC Person's personal interest has not yet conflicted but has the potential or might be expected to conflict with the UBC Person's professional obligations to UBC; or
  - (c) the perception of a Conflict of Interest from the perspective of a reasonably well-informed, impartial observer.
- 3.1.5 UBC has not attempted to develop an exhaustive list of Conflicts of Interest as each situation is dependent upon its specific facts. However, a non-exhaustive list of situations where a Conflict of Interest is deemed to exist is set forth in Section 2 of the Procedures.

#### **3.2 Disclosing Conflicts of Interest**

- 3.2.1 If a UBC Person intends to engage in an activity that could lead to a Conflict of Interest, then the UBC Person must immediately disclose that activity to their Initial Reviewer pursuant to Section 3 of the Procedures and to all parties affected by the Conflict of

Interest. For example, if a UBC Person makes a public statement, in the media or otherwise, and identifies themselves as being associated with UBC, then the UBC Person must disclose, as part of that public statement, any other relevant relationships, circumstances, or engagements in other Non-University Activities that give rise to a Conflict of Interest.

- 3.2.2 If prior disclosure is impossible, then disclosure must be made as soon as possible after commencement of the activity.
- 3.2.3 Prior to commencing a research project, a UBC Person who is a principal investigator or researcher must disclose all Conflicts of Interest that may arise in relation to the research project.
- 3.2.4 These disclosure obligations apply to all UBC Persons as soon as the Conflict of Interest arises and continue until the Conflict of Interest ceases to exist.
- 3.2.5 In addition, all Faculty Members and Staff Members are required to file annual Conflict of Interest disclosures.
- 3.2.6 All UBC Persons are encouraged to bring any questions or concerns regarding their Conflicts of Interest to their Initial Reviewer, who may consult with the COI Manager.

### 3.3 Assessing and Managing Conflicts of Interest

- 3.3.1 If an Initial Reviewer becomes aware of a Conflict of Interest, whether through disclosure or otherwise, then they must assess the situation to determine what action, if any, is appropriate, including taking into consideration the following:
  - (a) the impact on the UBC Person's ability to satisfy their professional obligations to UBC, including the elements set forth in Section 1.3 of this Policy;
  - (b) the degree to which the proposed action will be detrimental to the interests of UBC;
  - (c) the degree to which it may harm the reputation and integrity of the UBC Person(s) or UBC, or both;
  - (d) the degree to which it may compromise the professional judgment of any UBC Person involved in conducting or reporting research;
  - (e) the extent to which the proposed action or activity could be managed through an appropriate Management Plan; and
  - (f) any of the other Conflict of Interest elements set forth in Section 2 of the Procedures.

- 3.3.2 Once the Initial Reviewer has assessed the Conflict of Interest situation, the Initial Reviewer, may determine what action, if any, is appropriate pursuant to Section 4 of the Procedures.

#### 4. Reporting of Complaints or Concerns

- 4.1 All persons are encouraged to contact the COI Manager in writing if they believe that a Conflict of Interest or Conflict of Commitment has been unreported, misrepresented, unassessed, or unmanaged or that there has been any other breach of this Policy or any associated Procedures or Rules. Upon receipt, the COI Manager will handle the complaint or concern in accordance with Section 6.1.4 of the Procedures.
- 4.2 All complaints or concerns submitted pursuant to 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, except as required by a legal process or the law. However, any information provided anonymously cannot be acted upon unless the information is independently substantiated. Allegations of retaliation against any person who, in good faith, makes a complaint or raises a concern pursuant to this Policy, gives evidence, or otherwise participates in a process under this Policy will be handled in accordance with UBC's Retaliation Policy.
- 4.3 UBC will protect the personal information of all parties involved as required under applicable legislation, including the *Freedom of Information and Protection of Privacy Act* (British Columbia). Except as required by a legal process or law, any information disclosed by a UBC Person pursuant to this Policy will be held in confidence and will only be available to relevant granting or funding agencies and those with a need to know the information in order to fulfill their responsibilities to UBC, including:
- 4.3.1 those responsible under this Policy and any associated Procedures or Rules for the review, management, or audit of Conflict of Interest and Conflict of Commitment disclosures; or
  - 4.3.2 those who are involved in investigations of alleged breaches of UBC Policies or other misconduct, which may include: Central Human Resources; the Office of the Vice President, Research and Innovation; the Office of the University Counsel; members of the COI Committee; the Responsible Executive; or any of their respective and applicable delegates.





## PROCEDURES ASSOCIATED WITH THE 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 the Policy that are not otherwise defined herein shall have the meanings given to such terms in these Procedures or Rules.*

### 1. Definitions

- 1.1 **"Administrative Head(s) of Unit"** means a Director of an administrative unit; a Head of an academic department; a Director of a centre, institute or school; a Principal of a college; a Dean of a faculty; the Registrar; the University Librarian; a Vice-President; or the President or the equivalent; or any of their respective delegates, which may include Associate Vice-Presidents; Vice-Principals; and Associate Vice-Principals.
- 1.2 **"Business"** means a corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or other entity organized for profit, not for profit, or charitable purposes, but excluding a UBC affiliated Hospital or a medical practice or other entity controlled by UBC or an affiliated Hospital.
- 1.3 **"Central Human Resources"** means Employee and Labour Relations or Faculty Relations on the UBC Vancouver campus, or Human Resources on the UBC Okanagan campus.
- 1.4 **"COI Committee"** means a committee established by the Responsible Executive to carry out the roles and responsibilities set out in the Policy, and which includes at least one independent person who is not a UBC Person.
- 1.5 **"COI Manager"** means the individual appointed by the Responsible Executive to oversee the administration and governance of the Policy or other duties as delegated by the Responsible Executive from time to time, and, whose contact information can be found on the website of the office of the Responsible Executive.
- 1.6 **"Conflict(s) of Commitment"** means a situation where a UBC Person engages in Non-University Activities that adversely affect the discharge of the UBC Person's primary responsibilities to UBC.
- 1.7 **"Conflict(s) of Interest"** means a situation in which a UBC Person, or their Related Party(ies), has a personal interest that actually conflicts, could conflict, or there is a perception that it conflicts with the UBC Person's obligations to UBC.

- 1.8 **“Faculty Member”** means an individual appointed by the University in the following faculty titles, ranks and descriptions: professor, associate professor, assistant professor, professor of teaching, assistant professor of teaching, associate professor of teaching, adjunct professor, clinical professor, clinical associate professor, clinical assistant professor, clinical instructor, clinical fellow, academic program director, librarian, research associate, post-doctoral fellow, sessional lecturer, lecturer, visiting assistant professor, visiting associate professor, visiting professor, visiting lecturer, visiting scientist, visiting scholar, emeritus, honorary faculty or affiliate appointment or in an equivalent position designated by the applicable senate.
- 1.9 **“Financial Interest”** means having or having the expectation to receive:
- 1.9.1 greater than a 5% ownership interest in a Business; or
  - 1.9.2 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).
- 1.10 **“Guidelines”** has the meaning set forth in UBC’s Regulatory Framework Policy.
- 1.11 **“Initial Reviewer(s)”** means the individual responsible for reviewing a UBC Person’s disclosures of Conflicts of Interest or Conflicts of Commitment. For Faculty Members, the Initial Reviewer is normally the Dean of the faculty in which they hold their primary appointment, unless their faculty is departmentalized, in which case it is normally the Head of their department or school. For Staff Members, the Initial Reviewer is normally their immediate supervisor and, where the Staff Member has more than one immediate supervisor, the Initial Reviewer is the immediate supervisor designated by the Responsible Executive. For all other UBC Persons, the Initial Reviewer is normally their immediate supervisor. Notwithstanding the foregoing, the Responsible Executive may designate a different Initial Reviewer for any UBC Persons.
- 1.12 **“Management Plan”** means the written document governing and managing a UBC Person’s participation in an activity deemed to constitute a Conflict of Interest or Conflict of Commitment.
- 1.13 **“Non-University Activity(ies)”** means any activity outside a UBC Person’s scope of work with UBC and includes Outside Professional Activities.
- 1.14 **“Outside Professional Activity(ies)”** means any activity outside a UBC Person’s scope of work with UBC that involves the same specialized skill and knowledge that the UBC Person utilizes in their work with UBC and includes the operation of a Business, consulting or advisory services, external teaching, external academic appointments and external speaking engagements.
- 1.15 **“Policy”** means the COI Policy.
- 1.16 **“Position of Authority”** means any position that includes responsibilities for a material function of the operation or management of a Business.

- 1.17 **“Related Party(ies)”** means a UBC Person’s immediate family member (e.g., spouse, partner, or sibling), direct descendant or ancestor (e.g., child, grandchild, parent, or grandparent), any 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 Business in which the UBC Person has an ownership interest of more than 5%.
- 1.18 **“Related Policy(ies)”** means the related policies specific to the Policy as identified in the official repository for the Policy maintained by the Office of the University Counsel and published on its website.
- 1.19 **“Respondent”** means the UBC Person who is the subject of an investigation of an alleged breach of the COI Policy or associated Procedures or Rules.
- 1.20 **“Responsible Executive”** means individual(s) assigned by the President, pursuant to UBC’s Regulatory Framework Policy, to be responsible for the Policy; and any sub-delegate of that assigned responsible individual(s) except to the extent that the power to delegate is specifically excluded in the Policy or in the appointment by the President.
- 1.21 **“Rules”** has the meaning set forth in UBC’s Regulatory Framework Policy.
- 1.22 **“Staff Member”** means individual(s) employed by UBC in any of the following employee categories or titles:
- 1.22.1 Management and Professional;
  - 1.22.2 Director of a service unit;
  - 1.22.3 Administrative AVP (as defined in UBC’s Administrative AVPs Policy);
  - 1.22.4 Administrative VP (as defined in UBC’s Administrative VPs Policy); and
  - 1.22.5 Any other UBC Person(s), who is not a Faculty Member, as required by the Responsible Executive (e.g., those who have signing authority over UBC financial accounts).
- 1.23 **“Tri-Agency”** means the Canadian Institutes of Health Research, the Natural Sciences and Engineering Research Council, and the Social Sciences and Humanities Research Council, collectively.
- 1.24 **“UBC Person(s)”** means all Faculty Members, all Staff Members, all other employees of UBC, all students to the extent that they are carrying out UBC research, and all individual(s) who have agreed to carry out duties on behalf of UBC as a volunteer.

## 2. Additional Conflict of Interest Considerations:

- 2.1 The following is a non-exhaustive list of situations where Conflicts of Interest is deemed to exist:
- 2.1.1 where a UBC Person’s responsibility to instruct, evaluate and supervise students in a fair, unbiased and effective manner is or could be impeded or compromised (Note, the inherent power imbalance that exists between a UBC Person and a student must not be used for personal benefit.);

- 2.1.2 where a UBC Person or a Related Party has a Financial Interest in the outcome of their research, including any Financial Interest in a company sponsoring research at their UBC laboratory or facilities;
- 2.1.3 where a UBC Person or a Related Party has a Financial Interest in their teaching activities at UBC, other than their annual salary from UBC;
- 2.1.4 where a UBC Person has influence over a decision about a proposed relationship between UBC and a Business in which the UBC Person or a Related Party has a Financial Interest or holds a Position of Authority;
- 2.1.5 where a UBC Person or a Related Party has or obtains a Financial Interest or a Position of Authority in a Business with which UBC has an existing relationship and the Business is related to the UBC Person's work at UBC;
- 2.1.6 where a UBC Person transfers research results or intellectual property arising from their UBC research to a Business in which the UBC Person or a Related Party has a Financial Interest or holds a Position of Authority;
- 2.1.7 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 who is a Related Party or who has another relationship with the UBC Person that might reasonably be perceived as creating a Conflict of Interest;
- 2.1.8 where a UBC Person uses or attempts to use their position with UBC to solicit students, other UBC Persons, government agencies, private companies, or members of the public for Non-University Activities, including employing students or other UBC Persons to perform services for the UBC Person or a Related Party on personal or commercial matters;
- 2.1.9 where a UBC Person uses information that is acquired as a result of their position with UBC and not in the public domain for Non-University Activities, unless the UBC Person has proprietary rights (usually enforceable through copyright) to that information (Note, UBC Persons should also be aware that insider trading restrictions may also apply to them under the laws of British Columbia or other jurisdictions);
- 2.1.10 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 UBC;
- 2.1.11 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 or role at UBC;
- 2.1.12 where a Faculty Member enrolls as a student in their own faculty; or

- 2.1.13 where personal considerations could be reasonably perceived to compromise a UBC Person's professional judgment in conducting or reporting research, teaching, or carrying out administrative activities at UBC.

### 3. Required Disclosures

- 3.1 All UBC Persons must:
  - 3.1.1 immediately disclose Conflicts of Interest and Conflicts of Commitment to their Initial Reviewer as soon as such situation or event arises; and
  - 3.1.2 continue to disclose and submit such information, as requested, or at least annually until the Conflicts of Interest and Conflicts of Commitment cease to exist.
- 3.2 At least annually, all Faculty Members must submit a completed disclosure that discloses the following:
  - 3.2.1 all Outside Professional Activities;
  - 3.2.2 all circumstances (if any) that give rise to a Conflict of Interest or Conflict of Commitment; and
  - 3.2.3 such additional information asked for in the prescribed annual disclosure form, as it may be amended from time to time.
- 3.3 At least annually, all Staff Members must submit a completed disclosure that discloses the following:
  - 3.3.1 all Non-University Activities, if any;
  - 3.3.2 all circumstances (if any) that give rise to a Conflict of Interest or Conflict of Commitment;
  - 3.3.3 such additional information asked for in the prescribed annual disclosure form, as it may be amended from time to time.
- 3.4 All disclosures made by Faculty Members under Sections 3.1 and 3.2 of these Procedures must be submitted utilizing the Conflict of Interest or the Conflict of Commitment module in the *RIS*e system.
- 3.5 All disclosures made by Staff Members under Sections 3.1 and 3.3 of these Procedures must be submitted utilizing the Conflict of Interest or the Conflict of Commitment module in the *Workday* system.
- 3.6 All disclosures made by UBC Persons under Section 3.1 of these Procedures who are not Faculty Members or Staff Members must be submitted utilizing the Conflict of Interest or Conflict of Commitment module in the system deemed most appropriate by the Initial Reviewer.

#### 4. Role of Initial Reviewer

- 4.1 The Initial Reviewer is responsible for assessing the disclosure and determining whether there are any Conflicts of Interest or Conflicts of Commitment, and, if so, whether they can and should be permitted subject to a Management Plan.
- 4.2 If the Initial Reviewer determines that a proposed action or activity, including a proposed research project, is:
  - 4.2.1 permissible as disclosed with no further action, then the Initial Reviewer's determination will be recorded in writing and the UBC Person may proceed with the action or activity subject to obtaining all other applicable approvals;
  - 4.2.2 permissible only if appropriately managed through the implementation of a Management Plan, then the Initial Reviewer will develop and implement a Management Plan to manage the Conflict of Interest or the Conflict of Commitment and the UBC Person may proceed with the action or activity pursuant to the Management Plan; or
  - 4.2.3 not permissible, then the UBC Person must not proceed with the proposed action or activity giving rise to the Conflict of Interest or Conflict of Commitment.
- 4.3 The Initial Reviewer may consult with the COI Manager in relation to any decisions required to be made under Section 4 of these Procedures, including the development of any applicable Management Plan(s) and the COI Manager may in turn consult with the COI Committee.
- 4.4 If the Initial Reviewer is unable to determine whether a Conflict of Interest or a Conflict of Commitment or any proposed action or activity is permissible due to their own Conflict of Interest or otherwise, then the Initial Reviewer must refer the disclosure one level up for handling. If such a referral is not appropriate, then the matter will be referred to the Responsible Executive for a final determination of who should handle the matter.
- 4.5 Where the UBC Person is a Faculty Member who holds an appointment in more than one faculty, the Initial Reviewer must keep the Dean of the other faculty up-to-date with a copy of that Faculty Member's disclosures and any applicable Management Plan(s). Where the UBC Person is a Staff Member who has more than one immediate supervisor, then the Initial Reviewer must consult with and keep the other immediate supervisors up-to-date with a copy of that Staff Member's disclosures and any applicable Management Plan(s).

#### 5. Unit-Specific Review Process

- 5.1 Notwithstanding Section 4 of these Procedures, if the UBC Person disclosing a Conflict of Interest or a Conflict of Commitment is part of an academic or administrative unit for which unit-specific review processes have been established pursuant to one or more Rules, then the review shall be undertaken in accordance with such Rules.

## 6. Role of the COI Manager

6.1 The COI Manager is charged with the following responsibilities:

- 6.1.1 serving as the secretary to the COI Committee;
- 6.1.2 providing advice and guidance to Initial Reviewers, Administrative Heads of Unit, the Responsible Executive, and the COI Committee with respect to any matter pertaining to the Policy and any associated Procedures and Rules, including without limitation:
  - (a) the establishment of processes for the assessment of Conflicts of Interest and Conflicts of Commitment;
  - (b) the assessment of disclosures of Conflicts of Interest and Conflicts of Commitment; and
  - (c) the development of appropriate Management Plan(s);
- 6.1.3 making recommendations to the Responsible Executive in relation to the issuance of any Rules, Guidelines, templates, or other materials or resources and consulting the COI Committee as appropriate;
- 6.1.4 handling any complaints or concerns received pursuant to Section 4.1 of the Policy as the COI Manager deems appropriate, including forwarding such complaint or concerns:
  - (a) to the appropriate Initial Reviewer or any other person identified in a Rule establishing a unit-specific review process contemplated by Section 5 of these Procedures for assessment and management pursuant to either Section 2.3 or Section 3.3 the Policy; or
  - (b) to the attention of the COI Committee for handling pursuant to Section 9 of these Procedures; and
- 6.1.5 providing training to UBC Persons regarding Conflicts of Interest, Conflicts of Commitment, and the application of the Policy and any associated Procedures and Rules.

## 7. Role of the COI Committee

7.1 The Responsible Executive must establish a COI Committee.

7.2 The COI Committee is charged with the following responsibilities:

- 7.2.1 auditing random samples of Conflicts of Interest and Conflicts of Commitment that have been approved and any related Management Plans for quality control purposes and

advising Initial Reviewers on appropriate standards for the quality of disclosures, reviews, and Management Plans;

- 7.2.2 acting as a sounding board and source of advice regarding the appropriate handling of specific disclosures or other cases referred to it by the COI Manager.
- 7.2.3 serving 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 a Rule established under Section 11 of these Procedures);
- 7.2.4 to review concerns or issues in accordance with Section 9 of these Procedures, whether self-initiated or brought forth by the COI Manager pursuant to Section 6.1.4(b) of these Procedures; and
- 7.2.5 fulfilling such other roles and responsibilities as may be assigned to it by the Responsible Executive.

## **8. Appeals**

- 8.1 All UBC Persons may appeal any decision regarding a Conflict of Interest or Conflict of Commitment made by their Initial Reviewer in accordance with Section 4 of these Procedures by sending a notice of appeal to the COI Manager in writing using such form as may be prescribed by the COI Manager. The COI Manager will bring the notice to the attention of the COI Committee.
- 8.2 The COI Committee may, at its discretion, refuse to hear an appeal that is filed more than 30 days after the date of the Initial Reviewer's decision.
- 8.3 The Chair of the COI Committee has the discretion to determine the manner in which the COI Committee considers appeals, provided that such discretion must not be exercised in a manner that is inconsistent with the Policy or any associated Procedures or Rules or any directions issued by the Responsible Executive.

## **9. Referral of Complaints or Concerns to the COI Committee**

- 9.1 If a complaint or concern is forwarded to the attention of the COI Committee by the COI Manager pursuant to Section 6.1.4(b) of these Procedures, the COI Committee will normally make an initial determination as to whether the alleged breach has resulted from an honest and reasonable error or oversight. The COI Committee may reconsider its initial determination at any time.
- 9.2 Where the COI Committee's initial determination is that the alleged breach has resulted from an honest and reasonable error or oversight, the COI Committee will normally advise or direct the COI Manager, the Respondent, their Initial Reviewer and any other person that the COI Committee determines should receive such advice or directions as to the appropriate handling of the matter, and such persons must comply with any such directions.



- 9.3 If the COI Committee makes an initial determination that the alleged breach is not the result of an honest and reasonable error or oversight, then the COI Committee will normally investigate it pursuant to Section 9.4 of these Procedures.
- 9.4 The Chair of the COI Committee has the discretion to determine whether and how the COI Committee carries out its investigations, provided that such discretion must not be exercised in a manner that is inconsistent with the Policy or any associated Procedures or Rules or any directions issued by the Responsible Executive. Without limiting the generality of the foregoing, the Chair of the COI Committee may:
  - 9.4.1 determine that the investigation be terminated;
  - 9.4.2 recommend to the Responsible Executive that the investigation be undertaken as a Consolidated Investigation, as defined in UBC's Investigations Policy; and
  - 9.4.3 request that the Responsible Executive appoint an external investigator or other person to undertake the investigation on behalf of the COI Committee.
- 9.5 Unless otherwise determined by the Chair of the COI Committee, investigations of complaints or concerns by the COI Committee will include:
  - 9.5.1 consulting with Central Human Resources, UBC administrators, and others, as appropriate;
  - 9.5.2 requesting written submissions or interviewing the Respondent and other parties with information that may be relevant to the alleged breaches, including the party who submitted the complaint or concern; and
  - 9.5.3 obtaining documents relevant to the alleged breach.
- 9.6 Upon completion of an investigation of the alleged breach, the COI Committee will prepare and deliver to the Responsible Executive a written report that includes the following information:
  - 9.6.1 a description of the alleged breach;
  - 9.6.2 the names of the parties who provided information and a summary of the information they provided;
  - 9.6.3 a summary of the relevant documents and other material reviewed;
  - 9.6.4 findings of fact based on the information, documents, and other material gathered during the investigation;
  - 9.6.5 a determination as to whether a breach of the Policy or any associated Procedures or Rules have occurred; and

- 9.6.6 if a breach is determined to have occurred, then any mitigating or aggravating circumstances the COI Committee considers to be relevant.

## **10. Outcomes Resulting from Breaches**

- 10.1 If, pursuant to Section 9.6 of these Procedures, the Responsible Executive receives a report from the COI Committee setting out a determination by the COI Committee that a breach of the Policy or any associated Procedures or Rules has occurred, the Responsible Executive will immediately forward the report to the Dean of the Respondent's faculty if the Respondent is a Faculty Member and to the Respondent's immediate supervisor if the Respondent is a Staff Member, with a copy to Central Human Resources. The Respondent's Dean or immediate supervisor will then consult with Central Human Resources to receive advice on what, if any, disciplinary action is appropriate. Any discipline will be commensurate with the seriousness of the violation. Any disciplinary action that is imposed on a UBC Person pursuant to the Policy or another UBC 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.
- 10.2 In addition to any disciplinary action, where a Faculty Member fails to comply with the Policy, the Dean or the Initial Reviewer (if the Initial Reviewer is not the Dean) may direct the Office of Research Services to freeze the research account(s) of the Faculty Member until further notice. UBC may also terminate funding or require the repayment of any financial benefit gained by the Faculty Member.
- 10.3 Failure to comply with the Policy and any associated Procedures and Rules could also lead to reporting by the Office of the Vice-President, Research and Innovation to the applicable Tri-Agency, or the U.S. Department of Health and Human Services, or any other funding and granting agencies and organizations and potentially result in the loss of research funding from such funding and granting agencies and organizations.

## **11. Establishing Guidelines and Rules**

- 11.1 The Responsible Executive has the authority to establish, amend, and repeal Rules that address Conflicts of Commitment and Conflicts of Interest, provided that such Rules are not inconsistent with the Policy or any associated Procedures. The Responsible Executive must provide the Office of the University Counsel with a notice of the establishment, amendment, or repeal of any such Rules so that they can be reflected in the official repository of Board Policies maintained by the Office of the University Counsel pursuant to UBC's Regulatory Framework Policy. The establishment, amendment, or repeal of any Rules take effect and are binding on UBC Persons when approved by the Responsible Executive or on such later date as may be specified by the Responsible Executive.
- 11.2 The Responsible Executive may issue Guidelines as contemplated by UBC's Regulatory Framework Policy. Such Guidelines may address Conflict of Commitment or Conflict of Interest issues of interest to UBC Persons across all of UBC or to various subsets of UBC. Where an

Administrative Head of Unit considers that Guidelines specific to their unit would be beneficial, the Administrative Head of Unit may recommend that the Responsible Executive issue such unit-specific Guidelines. The Responsible Executive must provide the Office of the University Counsel with a notice of the establishment, amendment, or repeal of any Guidelines so that they can be reflected in the official repository of Board Policies maintained by the Office of the University Counsel pursuant to UBC's Regulatory Framework Policy.


11.3 The Responsible Executive will normally consult with the COI Manager or the COI Committee, or both, when establishing, amending, or repealing any Rules or Guidelines.

11.4 Without limiting the generality of Section 11.1, the Rules may:

11.4.1 provide for unit-specific processes for reviewing disclosures, taking into consideration the following:

- (a) the volume of disclosures generated within the academic or administrative unit; and
- (b) the need for specialized academic or professional knowledge and expertise to assess Conflicts of Interest or Conflicts of Commitment generated within the academic or administrative unit; and

11.4.2 establish conditional pre-approvals for defined Non-University Activities and defined categories of Non-University Activities that give rise to Conflicts of Interest or Conflicts of Commitment.

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

### 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.

**COI POLICY (SC3)**  
**POLICY DEVELOPMENT COMMITTEE**

**List of Members:**

1. Chelsea Thompson, *Legal Counsel (Chair)*
2. Jeffrey Toward, *Conflict of Interest Manager, OUC (Secretary)*
3. Karen Bartlett, *Professor, School of Population and Public Health, Chair, Behavioural Research Ethics Board*
4. Alex Bayne, *Managing Director, Human Resources, UBC Okanagan*
5. Lukas Bichler, *Professor, Manufacturing, Mechanical Engineering*
6. Adam Charania, *Associate Vice-President Human Resources, Strategic Advisory Partnerships*
7. J. P. Heale, *Managing Director, University-Industry Liaison Office*
8. Kamil Kanji, *Alma Mater Society, Student Nominee, UBC Vancouver*
9. Parveen Mann, *Director, Human Resources, Vice-President Finance & Operations*
10. Greg Martyn, *Executive Director, Vice-President Research and Innovation Portfolio*
11. Colin Moore, *Director Food Services*
12. Anita Palepu, *Head, Department of Medicine, Faculty of Medicine*
13. John Ries, *Senior Associate Dean, Special Projects, Sauder School of Business*
14. Mahfida Tahniat, *Graduate Student Society of UBC Vancouver Nominee*

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

### Background & Purposes:

~~The University~~ UBC's mission and mandate as a public institution of higher education is ~~responsible for~~ the advancement and dissemination of knowledge. ~~As such, it~~ UBC encourages all UBC Persons to seek and participate in research, to consult widely, and to engage in activities, including Non-University Activities ~~so long as such activities do, in a manner that does~~ 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 UBC.

~~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, UBC Persons may find themselves in either a Conflict of Interest or a Conflict of Commitment. The existence of a Conflict of Interest or Conflict of Commitment does not necessarily imply wrongdoing by a UBC Person. Such conflict(s) may exist regardless of a UBC Person's character, intentions, or motivations. However, Conflicts of Interest or Conflicts of Commitment that go unnoticed or are improperly managed threaten to impugn~~ may harm the reputation and integrity of the ~~persons involved and, potentially, the University as a whole. They~~ UBC Person(s) and UBC; and may also undermine the public's confidence in the ~~University's and~~ abilities of the UBC Person's ~~(s-ability) and UBC~~ to pursue and disseminate knowledge, devoid of bias and personal interests. Without that public confidence, the effectiveness of ~~the University~~ UBC 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~~

The purposes of this Policy are to identify:

- situations that may give rise to a Conflict of Interest or Conflict of Commitment;
- a UBC Person's responsibility to identify, disclose, assess, and manage, if appropriate, a Conflict of Interest or Conflict of Commitment;
- the process for investigating any Conflict of Interest or Conflict of Commitment; and
- disciplinary actions that may result from a violation of this Policy or any associated Procedures or Rules.

Capitalized terms used in this Policy that are not otherwise defined herein shall have the meanings given to such terms in any associated Procedures or Rules.

## 1. General

1.1 All UBC Persons are responsible for informing themselves and complying with:

1.1.1 the requirements of this Policy and any associated Procedures and Rules; and

1.1.2 other applicable conflicts of interest or conflicts of commitment policies imposed by other third-party organizations, agencies, or institutions related to their activities at UBC.

1.2 All Faculty Members are responsible for informing themselves and complying with the requirements of any Tri-Agency or the U.S. Department of Health and Human Services; internal or external governance bodies (e.g., UBC's research ethics boards, UBC's Animal Care Committee, regulatory colleges such as the College of Physicians and Surgeons of British Columbia) that authorize research; other funding and granting agencies and organizations or third-party contracts, if related to their activities at UBC.

1.3 All UBC Persons are responsible for ensuring that participation in a UBC related activity and any Non-University Activity by a UBC Person is undertaken in compliance with this Policy, including ensuring such activities are conducted in a manner that:

1.3.1 is consistent with UBC's mission and mandate to advance and disseminate knowledge;

1.3.2 maintains the general public's trust and confidence that UBC and UBC Persons are able to undertake UBC's mission and mandate devoid of bias and personal interest; and

1.3.3 is undertaken by UBC Persons acting with integrity and adhering to the highest ethical standards at all times, including declaring and appropriately managing any Conflict of

Interest or Conflict of Commitment 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 Conflicts of Commitment**

### **2.1 Identifying Conflicts of Commitment**

2.1.1 All UBC Persons are responsible for identifying, disclosing, and appropriately managing any Conflict of Commitment in accordance with this Policy and conducting themselves with the highest ethical standards, including considering any Conflict of Commitment in a manner that will bear the closest scrutiny.

2.1.2 UBC has not attempted to develop an exhaustive list of Conflicts of Commitment as each situation is dependent upon its specific facts. However, the following are examples of situations where a Conflict of Commitment is deemed to exist:

- (a) ~~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.~~ where a UBC Person engages in a Non-University Activity during their normal work hours at UBC;
- (b) where a UBC Person employed on a full-time basis by UBC enrolls in a degree or diploma program at UBC, or any other educational institution;
- (c) where a UBC Person uses UBC resources for Non-University Activities;
- (d) 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; or
- (e) where a full-time Faculty Member will be away from their place of work at UBC for a period of 30 consecutive days (excluding holidays) as a result of the Faculty Member's Outside Professional Activities.

## 2.2 Disclosing Conflicts of Commitment

2.2.1 If a UBC Person intends to engage in any activity, including any Non-University Activities, that could lead to a Conflict of Commitment, then the UBC Person must immediately disclose that activity to their Initial Reviewer pursuant to Section 3 of the Procedures. These disclosure obligations apply to all UBC Persons as soon as the Conflict of Commitment arises and continue until the Conflict of Commitment ceases to exist.

2.2.2 In addition, all Faculty Members and Staff Members are required to file annual Conflict of Commitment disclosures.

2.2.3 If a Faculty Member intends to engage in any activity that exceeds the thresholds set out in Section 2.1.2(d) or Section 2.1.2(e) of this Policy, then they must disclose and obtain prior written authorization from the Dean of the faculty in which they hold their primary appointment, a copy of which must be filed with the COI Manager.

2.2.4 All UBC Persons are encouraged to bring any questions or concerns regarding their Conflicts of Commitment to their Initial Reviewer, who may consult with the COI Manager.

### 2.3 Assessing and Managing Conflicts of Commitment

2.3.1 If an Initial Reviewer becomes aware of a Conflict of Commitment, whether through disclosure or otherwise, then they must assess the Conflict of Commitment taking into consideration the following:

- (a) whether a UBC Person's engagement in the Non-University Activity interferes with their professional obligations to UBC, including the elements set forth in Section 1.3 of this Policy; and
- (b) whether the benefit to UBC from a UBC Person's engagement in the Non-University Activity outweighs the interference with their professional obligations to UBC or would outweigh the interference if appropriately managed through a Management Plan.

2.3.2 Once the Initial Reviewer has assessed the Conflict of Commitment situation, the Initial Reviewer, may determine what action, if any, is appropriate pursuant to Section 4 of the Procedures.

## **3. ~~2.2~~ Conflicts of Interest and perceived**

### 3.1 Identifying Conflicts of Interest ~~can arise~~

3.1.1 All UBC Persons are responsible for identifying, disclosing, and appropriately managing any Conflict of Interest in accordance with this Policy and conducting themselves at all times with the highest ethical standards, including considering any Conflict of Interest in a manner that will bear the closest scrutiny.

3.1.2 Any UBC Person who engages in Non-University Activities is responsible for identifying any Conflict of Interests arising naturally from a UBC Person's ~~their engagement inside and outside the in Non-University, and the mere existence of~~ Activities.

3.1.3 Identifying 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.~~ involves two elements:

~~2.3~~ —

- (a) the UBC Person's or a Related Party's personal interest(s), including without limitation, business, commercial or Financial Interests and **personal matters and career interests;** and

(b) the UBC Person's professional obligations to UBC.

3.1.4 A ~~perceived~~ Conflict of Interest ~~is a situation where~~ includes the following situations:

(a) 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.~~

(b) a situation where the UBC Person's ~~personal interest has not yet conflicted but~~ has the potential or might be expected to conflict with the UBC Person's professional obligations to UBC; or

(c) ~~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,~~ the perception of a Conflict of Interest 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.~~

3.1.5 UBC has not attempted to develop an exhaustive list of Conflicts of Interest as each situation is dependent upon its specific facts. However, a non-exhaustive list of situations where a Conflict of Interest is deemed to exist is set forth in Section 2 of the Procedures.

## 3.2 Disclosing Conflicts of Interest

3.2.1 If a UBC Person intends to engage in an activity that could lead to a Conflict of Interest, then the UBC Person must immediately disclose that activity to their Initial Reviewer pursuant to Section 3 of the Procedures ~~and to all parties affected by the Conflict of Interest.~~ For example, if a UBC Person makes a public statement, in the media or otherwise, and identifies themselves as being associated with UBC, then the UBC Person must disclose, as part of that public statement, any other relevant relationships, circumstances, or engagements in other Non-University Activities that give rise to a Conflict of Interest.

~~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~~



3.2.2 If prior disclosure is impossible, then disclosure must be made as soon as possible after commencement of the activity.

3.2.3 Prior to commencing a research project, a UBC Person who is a principal investigator or researcher must disclose all Conflicts of Interest that may arise in relation to the research project.

3.2.4 These disclosure obligations apply to all UBC Persons as soon as the Conflict of Interest arises and continue until the Conflict of Interest ceases to exist.

3.2.5 In addition, all Faculty Members and Staff Members are required to file annual Conflict of Interest disclosures.

3.2.6 All UBC Persons are encouraged to bring ~~matters of concern~~ any questions or concerns regarding their Conflicts of Interest to their Initial Reviewer, who may consult with the COI Manager.

3.3 Assessing 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.~~Managing Conflicts of Interest

3.3.1 If an Initial Reviewer becomes aware of a Conflict of Interest, whether through disclosure or otherwise, then they must assess the situation to determine what action, if any, is appropriate, including taking into consideration the following:

(a) the impact on the UBC Person's ability to satisfy their professional obligations to UBC, including the elements set forth in Section 1.3 of this Policy;

- (b) the degree to which the proposed action will be detrimental to the interests of UBC;
- (c) the degree to which it may harm the reputation and integrity of the UBC Person(s) or UBC, or both;
- (d) the degree to which it may compromise the professional judgment of any UBC Person involved in conducting or reporting research;
- (e) the extent to which the proposed action or activity could be managed through an appropriate Management Plan; and
- (f) any of the other Conflict of Interest elements set forth in Section 2 of the Procedures.

3.3.2 Once the Initial Reviewer has assessed the Conflict of Interest situation, the Initial Reviewer, may determine what action, if any, is appropriate pursuant to Section 4 of the Procedures.

#### 4. Reporting of Complaints or Concerns

4.1 All persons are encouraged to contact the COI Manager in writing if they believe that a Conflict of Interest or Conflict of Commitment has been unreported, misrepresented, unassessed, or unmanaged or that there has been any other breach of this Policy or any associated Procedures or Rules. Upon receipt, the COI Manager will handle the complaint or concern in accordance with Section 6.1.4 of the Procedures.

4.2 ~~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, except as required by a legal process or the law. However, any information provided anonymously ~~will not~~cannot 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~~ Allegations of retaliation, ~~directly or indirectly,~~ against ~~anyone~~any person 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 will be handled in accordance with UBC's Retaliation 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~~

4.3 UBC will protect the personal information of all parties involved as required under applicable legislation, including the *Freedom of Information and Protection of Privacy Act* (British Columbia). Except as required by a legal process or law, any information disclosed by a UBC Person pursuant to this Policy will be held in confidence and will only be available to relevant granting or funding agencies and those with a need to know the information in order to fulfill their responsibilities to UBC, including:

4.3.1 those responsible under this Policy and any associated Procedures or Rules for the review, management, or audit of Conflict of Interest and Conflict of Commitment disclosures; or

4.3.2 those who are involved in investigations of alleged breaches of UBC Policies or other misconduct, which may include: Central Human Resources; the Office of the Vice President, Research and Innovation; 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; members of the COI Committee; 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 Council.~~
- ~~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. or any of their respective and applicable delegates.~~



## PROCEDURES ASSOCIATED WITH THE 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 the Policy that are not otherwise defined herein shall have the meanings given to such terms in these Procedures or Rules.*

### 1. ~~8.~~ Definitions

1.1 ~~8.1~~ **“Administrative Head(s) of Unit”** means a Director of ~~a service~~ an administrative 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, of a faculty;~~ the Registrar; the University Librarian; a Vice-President; or the President or the equivalent; or any of their respective delegates, which may include Associate Vice-Presidents; Vice-Principals; and Associate Vice-Principals.

1.2 ~~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, not for profit, or charitable purposes, but excluding ~~the University, and a UBC~~ affiliated Hospital, or a ~~private~~ medical practice; or other entity controlled by, ~~controlling, or under common control with the University~~ UBC or an affiliated Hospital.

1.3 **“Central Human Resources”** means Employee and Labour Relations or Faculty Relations on the UBC Vancouver campus, or Human Resources on the UBC Okanagan campus.

1.4 ~~8.3~~ **“COI Committee”** means a committee established by the ~~University Counsel~~ Responsible Executive to carry out the roles and responsibilities set out in ~~Section 7 of this~~ the Policy, and which includes at least one independent person who is ~~neither~~ not a ~~Faculty Member nor a staff member of the University~~ UBC Person.

~~8.4~~ —

1.5 **“COI Manager”** means the individual appointed by the Responsible Executive to oversee the administration and governance of the Policy or other duties as delegated by the Responsible Executive from time to time, and, whose contact information can be found on the website of the office of the Responsible Executive.

1.6 **“Conflict(s) of Commitment”** ~~has the meaning given to it in Section 2.1 of this Policy~~ means a situation where a UBC Person engages in Non-University Activities that adversely affect the discharge of the UBC Person’s primary responsibilities to UBC.

1.7 ~~8.5~~ **“Conflict(s) of Interest”** means a situation in which a UBC Person, or ~~his or her~~ their Related Party(ies), has a personal interest that actually 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,~~ or there is a perception that it 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~~ UBC.

~~8.6 “Executive Position” means any position that includes responsibilities for a material function of the operation or management of a Business.~~

1.8 ~~8.7~~ **“Faculty Member”** means, ~~for the purposes of this Policy, a person employed~~ an individual appointed by the University ~~as~~ in the following faculty titles, ranks and descriptions: professor, associate professor, assistant professor, professor of teaching, assistant professor of teaching, associate professor of teaching, adjunct professor, clinical professor, clinical associate professor, clinical assistant professor, clinical instructor, ~~instructor I, instructor II, senior instructor, twelve-month~~ clinical fellow, academic program director, librarian, research associate, post-doctoral fellow, sessional lecturer, lecturer, visiting assistant professor, visiting associate professor, visiting professor, visiting lecturer, visiting scientist, visiting scholar, emeritus, honorary faculty or affiliate appointment or in an equivalent position designated by the applicable senate.



1.9 ~~8.8~~ “**Financial Interest**” means having or having the expectation to receive:

1.9.18.8.1 greater than a 5% ownership interest in a ~~single entity~~ Business; or

1.9.28.8.2 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).

1.10 “**Guidelines**” has the meaning set forth in UBC’s Regulatory Framework Policy.

1.11 ~~8.9~~ “**Initial Reviewer(s)**” 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~~ For Faculty Members, the Initial Reviewer is ~~normally~~ the Administrative Head/Dean of Unit/the faculty in which ~~that UBC person holds his or her~~ they hold their primary appointment, ~~unless their faculty is departmentalized, in which case it is normally the Head of their department or school. For Staff Members, the Initial Reviewer is normally their immediate supervisor and, where the Staff Member has more than one immediate supervisor, the Initial Reviewer is the immediate supervisor designated by the Responsible Executive. For all other UBC Persons, the Initial Reviewer is normally their immediate supervisor. Notwithstanding the foregoing, the Responsible Executive may designate a different Initial Reviewer for any UBC Persons.~~

1.12 “**Management Plan**” means the written document governing and managing a UBC Person’s participation in an activity deemed to constitute a Conflict of Interest or Conflict of Commitment.

1.13 ~~8.10~~ “**Non-University Activity(ies)**” means any activity outside a UBC Person’s scope of work with ~~the University~~ UBC and includes Outside Professional Activities.

1.14 ~~8.11~~ “**Outside Professional Activity(ies)**” means any activity outside a UBC Person’s scope of work with ~~the University~~ UBC that involves the same specialized skill and knowledge that the UBC Person utilizes in ~~his or her~~ their work with ~~the University~~ UBC and includes the operation of a Business, consulting or advisory services, external teaching, external academic appointments and external speaking engagements.

1.15 “**Policy**” means the COI Policy.

1.16 “**Position of Authority**” means any position that includes responsibilities for a material function of the operation or management of a Business.

1.17 ~~8.12~~ “**Related Party(ies)**” means a UBC Person’s immediate family member (e.g., spouse, partner, or sibling), direct descendant or ancestor (e.g., child, grandchild, parent, or sibling grandparent), ~~or any~~ 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~~Business 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~~**

1.18 “Related Policy(ies)” means the related policies specific to the Policy as identified in the official repository for the Policy maintained by the Office of the University Counsel and published on its website.

1.19 “Respondent” means the UBC Person who is the subject of an investigation of an alleged breach of the COI Policy or associated Procedures or Rules.

1.20 “Responsible Executive” means individual(s) assigned by the President, pursuant to UBC’s Regulatory Framework Policy, to be responsible for the Policy; and any sub-delegate of that assigned responsible individual(s) except to the extent that the power to delegate is specifically excluded in the Policy or in the appointment by the President.

1.21 “Rules” has the meaning set forth in UBC’s Regulatory Framework Policy.

1.22 “Staff Member” means individual(s) employed by UBC in any of the following employee categories or titles:

1.22.1 Management and Professional;

1.22.2 Director of a service unit;

1.22.3 Administrative AVP (as defined in UBC’s Administrative AVPs Policy);

1.22.4 Administrative VP (as defined in UBC’s Administrative VPs Policy); and

1.22.5 ~~1.1 At least annually, any~~Any other UBC Person(s), who is ~~not~~ a Faculty Member ~~or, as required by the Responsible Executive (e.g., those who have~~ 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:~~UBC financial accounts).

~~1.1.1 all Outside Professional Activities;~~

~~1.1.2 all circumstances (if any) that give rise to a Conflict of Commitment;~~

1.23 “Tri-Agency” means the Canadian Institutes of Health Research, the Natural Sciences and Engineering Research Council, and the Social Sciences and Humanities Research Council, collectively.

1.24 “UBC Person(s)” means all Faculty Members, all Staff Members, all other employees of UBC, all students to the extent that they are carrying out UBC research, and all individual(s) who have agreed to carry out duties on behalf of UBC as a volunteer.

2. 1.1.3 all circumstances (if any) that give rise to a **Additional** Conflict of Interest or a perceived Conflict of Interest; and **Considerations:**

~~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 is a non-exhaustive list of situations where 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 is deemed to exist:~~

2.1.1 3.1.1 Wherewhere a UBC Person’s responsibility to instruct ~~and~~ evaluate and supervise students in a fair, unbiased and effective manner is or could be impeded or

compromised. ~~The~~ (Note, the inherent power imbalance that exists between a UBC Person and a student must not be used for personal benefit.);

### ~~3.1.2~~ —Where

2.1.2 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~~ their 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.~~ including any Financial Interest in a company sponsoring research at their UBC laboratory or facilities;

2.1.3 ~~3.1.3 Where~~ where a UBC Person or a Related Party has a Financial Interest in their teaching activities at ~~the University~~ UBC, other than their annual salary from ~~the University.~~ UBC;

2.1.4 ~~3.1.4 Where~~ where a UBC Person has influence over a decision about a proposed relationship between ~~the University~~ UBC and a Business in which the UBC Person or ~~his or her~~ a Related Party has a Financial Interest or holds ~~an Executive~~ a Position ~~of Authority;~~ \_\_\_\_\_

2.1.5 ~~3.1.5 Where~~ where a UBC Person or ~~his or her~~ a Related Party has or obtains a Financial Interest or ~~an Executive~~ a Position of Authority in a Business with which ~~the University~~ UBC has an existing relationship and the Business is related to the UBC Person's work at ~~the University.~~ UBC; \_\_\_\_\_

2.1.6 where a UBC Person transfers research results or intellectual property arising from their UBC research to a Business in which the UBC Person or a Related Party has a Financial Interest or holds a Position of Authority;

2.1.7 ~~3.1.6 Where~~ 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 who is a Related Party or who has another relationship with ~~whom~~ the UBC Person ~~has a relationship~~ that might reasonably be perceived as creating a Conflict of Interest.; \_\_\_\_\_

2.1.8 ~~3.1.7 Where~~ where a UBC Person uses ~~his or her~~ attempts to use their position with ~~the University~~ UBC 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/or~~ other UBC Persons ~~for to~~ perform services ~~in a~~ for the UBC Person or a Related Party on personal or commercial

~~matter.~~matters;

2.1.9 ~~3.1.8 Where~~where a UBC Person uses information that is acquired as a result of ~~his or her relationship~~their position with ~~the University~~UBC and not in the public domain for Non-University Activities, unless the UBC Person has proprietary rights (usually enforceable through copyright) to that information. ~~(Note, UBC Persons should also be aware that insider trading restrictions may also apply to them.~~ (Note, UBC Persons should also be aware that insider trading restrictions may also apply to them. under the laws of British Columbia or other jurisdictions);

2.1.10 ~~3.1.9 Where~~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.~~UBC;

2.1.11 ~~3.1.10 Where~~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.~~or role at UBC;

2.1.12 ~~3.1.11 Where~~where a Faculty Member ~~enrols~~enrolls as a student in ~~his or her~~their own ~~Faculty.~~faculty; or

2.1.13 ~~3.1.12 Where~~where personal considerations could be reasonably perceived to compromise a ~~Faculty Member~~UBC Person's professional judgment in conducting or reporting research, teaching, or carrying out administrative activities at UBC.

### 3. Required Disclosures

#### 3.1 All UBC Persons must:

3.1.1 ~~4. Assessing and Managing~~immediately disclose Conflicts of Interest, ~~Perceived Conflicts of Interest~~ and Conflicts of Commitment to their Initial Reviewer as soon as such situation or event arises; and

~~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~~

3.1.2 continue to disclose and submit such information, as requested, or at least annually until the Conflicts of Interest and Conflicts of Commitment cease to exist.

3.2 At least annually, all Faculty Members must submit a completed disclosure that discloses the following:

3.2.1 all Outside Professional Activities;

3.2.2 all circumstances (if any) that give rise to a Conflict of Interest or Conflict of Commitment; and

3.2.3 such additional information asked for in the prescribed annual disclosure form, as it may be amended from time to time.

3.3 At least annually, all Staff Members must submit a completed disclosure ~~to consider all relevant factors, that discloses~~ 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.~~

;

3.3.1 all Non-University Activities, if any;

3.3.2 all circumstances (if any) that give rise to a Conflict of Interest or Conflict of Commitment;

3.3.3 such additional information asked for in the prescribed annual disclosure form, as it may be amended from time to time.

3.4 All disclosures made by Faculty Members under Sections 3.1 and 3.2 of these Procedures must be submitted utilizing the Conflict of Interest or the Conflict of Commitment module in the R/Se system.

3.5 All disclosures made by Staff Members under Sections 3.1 and 3.3 of these Procedures must be submitted utilizing the Conflict of Interest or the Conflict of Commitment module in the Workday system.

3.6 All disclosures made by UBC Persons under Section 3.1 of these Procedures who are not Faculty Members or Staff Members must be submitted utilizing the Conflict of Interest or Conflict of Commitment module in the system deemed most appropriate by the Initial Reviewer.

#### 4. Role of Initial Reviewer

4.1 The Initial Reviewer is responsible for assessing the disclosure and determining whether there are any Conflicts of Interest or Conflicts of Commitment, and, if so, whether they can and should be permitted subject to a Management Plan.

~~4.2~~ ~~4.3 Where a person who reviews a disclosure is unable to determine~~ If the Initial Reviewer determines that a proposed action or activity, including a proposed research project, is :

4.2.1 permissible as disclosed with no further action, then 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~~ Initial Reviewer's determination will be recorded in writing and ~~provide~~ the UBC Person may proceed 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~~ subject to obtaining all other applicable approvals;

4.2.2 permissible ~~so long as the Conflict of Interest or a perceived Conflict of Interest is~~ only if appropriately managed, ~~the COI Committee may itself create, amend and/or oversee through the implementation of the management protocol, or may instruct a Management Plan, then~~ the Initial Reviewer ~~to do so will develop and implement a Management Plan to manage the Conflict of Interest or the Conflict of Commitment~~ and the UBC Person may proceed with the action or activity pursuant to the Management Plan; or

~~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.~~

4.2.3 not permissible, then the UBC Person must not proceed with the proposed action or activity giving rise to the Conflict of Interest or Conflict of Commitment.



4.3 The Initial Reviewer may consult with the COI Manager in relation to any decisions required to be made under Section 4 of these Procedures, including the development of any applicable Management Plan(s) and the COI Manager may in turn consult with the COI Committee.

4.4 If the Initial Reviewer is unable to determine whether a Conflict of Interest or a Conflict of Commitment or any proposed action or activity is permissible due to their own Conflict of Interest or otherwise, then the Initial Reviewer must refer the disclosure one level up for handling. If such a referral is not appropriate, then the matter will be referred to the Responsible Executive for a final determination of who should handle the matter.

4.5 Where the UBC Person is a Faculty Member who holds an appointment in more than one faculty, the Initial Reviewer must keep the Dean of the other faculty up-to-date with a copy of that Faculty Member's disclosures and any applicable Management Plan(s). Where the UBC Person is a Staff Member who has more than one immediate supervisor, then the Initial Reviewer must consult with and keep the other immediate supervisors up-to-date with a copy of that Staff Member's disclosures and any applicable Management Plan(s).

## **5. ~~Internal~~Unit-Specific 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~~

5.1 Notwithstanding Section 4 of these Procedures, if the UBC Person disclosing a Conflict of Interest or a Conflict of Commitment is part of an academic or administrative unit for which unit-specific review processes have been established pursuant to one or more Rules, then the review shall be undertaken in accordance with such Rules.

## 6. Role of the COI Manager

6.1 The COI Manager is charged with the following responsibilities:

6.1.1 ~~7.1 An~~ serving as the secretary to the COI Committee;

6.1.2 providing advice and guidance to Initial ~~Reviewer~~Reviewers, Administrative ~~Head~~Heads of Unit—~~or the COI Committee may at any time seek the advice of the Office of the University Counsel, the Responsible Executive, and the COI Committee~~ with respect to any matter pertaining to ~~this~~the Policy and any associated Procedures and Rules, including without limitation—;

(a) the establishment of ~~a process~~processes for the assessment of Conflicts of Interest and ~~perceived~~Conflicts of ~~Interest, Commitment~~;

(b) the assessment of ~~any disclosure~~disclosures of Conflicts of Interest and Conflicts of Commitment; and

(c) the development of appropriate ~~protocols for managing Conflicts of Interest and perceived~~Management Plan(s);

6.1.3 making recommendations to the Responsible Executive in relation to the issuance of any Rules, Guidelines, templates, or other materials or resources and consulting the COI Committee as appropriate;

6.1.4 handling any complaints or concerns received pursuant to Section 4.1 of the Policy as the COI Manager deems appropriate, including forwarding such complaint or concerns:

(a) to the appropriate Initial Reviewer or any other person identified in a Rule establishing a unit-specific review process contemplated by Section 5 of these Procedures for assessment and management pursuant to either Section 2.3 or Section 3.3 the Policy; or

(b) to the attention of the COI Committee for handling pursuant to Section 9 of these Procedures; and

6.1.5 providing training to UBC Persons regarding Conflicts of Interest, Conflicts of Commitment, and the application of the Policy and any associated Procedures and Rules.

## **7. Role of the COI Committee**

7.1 The Responsible Executive must establish a COI Committee.

7.2 The COI Committee is charged with the following responsibilities:

7.2.1 auditing random samples of Conflicts of Interest and Conflicts of Commitment that have been approved and any related Management Plans for quality control purposes and advising Initial Reviewers on appropriate standards for the quality of disclosures, reviews, and Management Plans;

7.2.2 acting as a sounding board and source of advice regarding the appropriate handling of specific disclosures or other cases referred to it by the COI Manager.

7.2.3 serving 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 a Rule established under Section 11 of these Procedures);

7.2.4 to review concerns or issues in accordance with Section 9 of these Procedures, whether self-initiated or brought forth by the COI Manager pursuant to Section 6.1.4(b) of these Procedures; and

7.2.5 fulfilling such other roles and responsibilities as may be assigned to it by the Responsible Executive.

## **8. ~~Sanctions~~Appeals**

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.~~ All UBC Persons may appeal any decision regarding a Conflict of Interest or Conflict of Commitment made by their Initial Reviewer in accordance with Section 4 of these Procedures by sending a notice of appeal to the COI Manager in writing using such form as may be prescribed by the COI Manager. The COI Manager will bring the notice to the attention of the COI Committee.

8.2 The COI Committee may, at its discretion, refuse to hear an appeal that is filed more than 30 days after the date of the Initial Reviewer's decision.

8.3 The Chair of the COI Committee has the discretion to determine the manner in which the COI Committee considers appeals, provided that such discretion must not be exercised in a manner that is inconsistent with the Policy or any associated Procedures or Rules or any directions issued by the Responsible Executive.

## **9. Referral of Complaints or Concerns to the COI Committee**

9.1 If a complaint or concern is forwarded to the attention of the COI Committee by the COI Manager pursuant to Section 6.1.4(b) of these Procedures, the COI Committee will normally make an initial determination as to whether the alleged breach has resulted from an honest and reasonable error or oversight. The COI Committee may reconsider its initial determination at any time.

9.2 Where the COI Committee's initial determination is that the alleged breach has resulted from an honest and reasonable error or oversight, the COI Committee will normally advise or direct the COI Manager, the Respondent, their Initial Reviewer and any other person that the COI Committee determines should receive such advice or directions as to the appropriate handling of the matter, and such persons must comply with any such directions.

9.3 If the COI Committee makes an initial determination that the alleged breach is not the result of an honest and reasonable error or oversight, then the COI Committee will normally investigate it pursuant to Section 9.4 of these Procedures.

9.4 The Chair of the COI Committee has the discretion to determine whether and how the COI Committee carries out its investigations, provided that such discretion must not be exercised in a manner that is inconsistent with the Policy or any associated Procedures or Rules or any directions issued by the Responsible Executive. Without limiting the generality of the foregoing, the Chair of the COI Committee may:

9.4.1 determine that the investigation be terminated;

9.4.2 recommend to the Responsible Executive that the investigation be undertaken as a Consolidated Investigation, as defined in UBC's Investigations Policy; and

9.4.3 request that the Responsible Executive appoint an external investigator or other person to undertake the investigation on behalf of the COI Committee.

9.5 Unless otherwise determined by the Chair of the COI Committee, investigations of complaints or concerns by the COI Committee will include:

9.5.1 consulting with Central Human Resources, UBC administrators, and others, as appropriate;

9.5.2 requesting written submissions or interviewing the Respondent and other parties with information that may be relevant to the alleged breaches, including the party who submitted the complaint or concern; and

9.5.3 obtaining documents relevant to the alleged breach.

9.6 Upon completion of an investigation of the alleged breach, the COI Committee will prepare and deliver to the Responsible Executive a written report that includes the following information:

9.6.1 a description of the alleged breach;

9.6.2 the names of the parties who provided information and a summary of the information they provided; \_\_\_\_\_

9.6.3 a summary of the relevant documents and other material reviewed; \_\_\_\_\_

9.6.4 findings of fact based on the information, documents, and other material gathered during the investigation;

9.6.5 a determination as to whether a breach of the Policy or any associated Procedures or Rules have occurred; and

9.6.6 if a breach is determined to have occurred, then any mitigating or aggravating circumstances the COI Committee considers to be relevant.

## **10. Outcomes Resulting from Breaches**

10.1 ~~8.2-Sanctions~~ If, pursuant to Section 9.6 of these Procedures, the Responsible Executive receives a report from the COI Committee setting out a determination by the COI Committee that a breach of the Policy or any associated Procedures or Rules has occurred, the Responsible Executive will immediately forward the report to the Dean of the Respondent's faculty if the Respondent is a Faculty Member and to the Respondent's immediate supervisor if the Respondent is a Staff Member, with a copy to Central Human Resources. The Respondent's Dean or immediate supervisor will then consult with Central Human Resources to receive advice on what, if any, disciplinary action is appropriate. Any discipline will be commensurate with the seriousness of the violation. Any disciplinary ~~sanction~~action that is imposed on a UBC Person pursuant to ~~this~~the Policy or another UBC 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.

10.2 ~~8.3~~ In addition to any disciplinary ~~sanctions~~action, where a ~~researcher~~Faculty Member fails to comply with ~~this~~the Policy ~~or these Procedures~~, the Dean or the Initial Reviewer ~~or the relevant~~(if the Initial Reviewer is not the Dean) may direct ~~Financial~~the Office of Research Services to freeze ~~that researcher's~~the research account(s) ~~of the Faculty Member~~ until further notice ~~and the University~~. UBC may also terminate funding or require the repayment of any financial benefit gained by the ~~researcher~~Faculty Member.

10.3 Failure to comply with the Policy and any associated Procedures and Rules could also lead to reporting by the Office of the Vice-President, Research and Innovation to the applicable Tri-Agency, or the U.S. Department of Health and Human Services, or any other funding and granting agencies and organizations and potentially result in the loss of research funding from such funding and granting agencies and organizations.

## 11. Establishing Guidelines and Rules

11.1 The Responsible Executive has the authority to establish, amend, and repeal Rules that address Conflicts of Commitment and Conflicts of Interest, provided that such Rules are not inconsistent with the Policy or any associated Procedures. The Responsible Executive must provide the Office of the University Counsel with a notice of the establishment, amendment, or repeal of any such Rules so that they can be reflected in the official repository of Board Policies maintained by the Office of the University Counsel pursuant to UBC's Regulatory Framework Policy. The establishment, amendment, or repeal of any Rules take effect and are binding on UBC Persons when approved by the Responsible Executive or on such later date as may be specified by the Responsible Executive.

11.2 The Responsible Executive may issue Guidelines as contemplated by UBC's Regulatory Framework Policy. Such Guidelines may address Conflict of Commitment or Conflict of Interest issues of interest to UBC Persons across all of UBC or to various subsets of UBC. Where an Administrative Head of Unit considers that Guidelines specific to their unit would be beneficial, the Administrative Head of Unit may recommend that the Responsible Executive issue such unit-specific Guidelines. The Responsible Executive must provide the Office of the University Counsel with a notice of the establishment, amendment, or repeal of any Guidelines so that they can be reflected in the official repository of Board Policies maintained by the Office of the University Counsel pursuant to UBC's Regulatory Framework Policy.

11.3 The Responsible Executive will normally consult with the COI Manager or the COI Committee, or both, when establishing, amending, or repealing any Rules or Guidelines.

11.4 Without limiting the generality of Section 11.1, the Rules may:

11.4.1 provide for unit-specific processes for reviewing disclosures, taking into consideration the following:

(a) the volume of disclosures generated within the academic or administrative unit; and

(b) the need for specialized academic or professional knowledge and expertise to assess Conflicts of Interest or Conflicts of Commitment generated within the academic or administrative unit; and

11.4.2 establish conditional pre-approvals for defined Non-University Activities and defined categories of Non-University Activities that give rise to Conflicts of Interest or Conflicts of Commitment.

Document comparison by Workshare Compare on Thursday, November 2, 2023  
8:50:14 AM

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Description	SC3 - COI - 97
Document 2 ID	file:///C:/Users/tomjwc/OneDrive - UBC/Documents/Work Product/November 2, 2023/Amended Policy SC3 Draft Clean Version November 1 2023.docx
Description	Amended Policy SC3 Draft Clean Version November 1 2023
Rendering set	Standard

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Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
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Deletions	437
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Moved to	61
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Format changes	0



Total changes	1127
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### List of Specific Material Changes in Proposed Amendments

1. adding a requirement to disclose Conflicts of Interest and Conflicts of Commitment by Faculty, Staff, and other UBC Persons in (**Section 3. Required Disclosures**) in the Procedures;
2. a new section within the Policy (**Section 4. Reporting Complaints or Concerns**) that consolidates information set forth under the various sections throughout the current version of the Policy, addressing this topic in a more coherent manner;
3. a new section within the Procedures (**Section 9. Referral of Complaints or Concerns to the COI Committee**) that clearly outlines the steps involved in the COI Committee investigating any complaints or concerns brought to its attention;
4. revisions to the Procedures (**Section 7. Role of the COI Committee**) to more accurately reflect the responsibilities of the COI Committee;
5. language outlining the ability of the Initial Reviewer to escalate the review of a disclosure up one level in **Section 4.4** of the Procedures;
6. a new section within the Procedures (**Section 10. Outcomes Resulting from Breaches**) that enhances and clarifies the actions that may be taken when a breach of the Policy or any associated Procedures or Rules has occurred;
7. moving sections, including Definitions, Role of Initial Reviewer and Role of the COI Committee, from the current Policy to the Procedures to provide clearer direction to UBC Members by consolidating the operational applications of the Policy into the Procedures. This enables the Policy sections to be principle-based, rather than operational;
8. a new section within the Procedures (**Section 11. Establishing Guidelines and Rules**) that articulates the role of the Responsible Executive in establishing, amending, and repealing Rules and Guidelines. This Section replaces **Sections 5 and 6** in the current Policy;
9. simplifying the **Background & Purposes** and **General** sections, moving pertinent information to other sections of the Policy where relevant;
10. combining and consolidating all sections related to **Conflict of Interest** and **Conflict of Commitment** so that each is addressed in a more logical order starting with *Identifying Conflicts* and moving through *Disclosing Conflicts*, *Assessing Conflicts* and *Managing Conflicts*;
11. defining the role and responsibilities of the COI Manager in **Section 6** in the Procedures; and
12. a new section within the Procedures (**Section 8. Appeals**) that consolidates the various sections from the current Policy that address this topic.