



RCSI

Conflict of Interest Policy

Purpose

RCSI is committed to maintaining the highest standards of conduct in all aspects of our activity. This policy aims to effectively manage potential conflicts of interest, be they real or perceived. The policy aims to support all those within the scope of the policy while also recognising the need to protect RCSI against conflicts of interest that may be damaging to its activities and reputation. RCSI expects all staff to conduct themselves with integrity, impartiality, honesty and professionalism at all times, and to avoid any conflict arising between their role with RCSI and their private interests.

Scope

This policy is effective from 27th June 2017 and applies to all employees, agency workers, independent contractors and any other third party person related to RCSI (the 'Individual'). This includes those holding Honorary positions with RCSI.

This Policy applies whenever an individual recognises, or should reasonably recognise, that a conflict of interest may arise from their current or future activities.

Determining a Conflict of Interest

A conflict of interest is a situation in which an individual has an interest (a non-exhaustive list of examples are outlined in Appendix 1) which may compromise that individual's obligations to RCSI or to any other body with which the College has a relationship (for example a funding body). For instance, if the interest might provide an incentive to the individual which affects their actions, or where the individual has the opportunity to affect or influence an institutional decision. A Conflict of Interest includes perceived and potential as well as actual conflicts of interest. A *perceived* conflict of interest is one which a reasonable person would consider likely to compromise objectivity. A *potential* conflict of interest is a situation which could develop into an actual or perceived conflict of interest.

Recognising that it is sometimes difficult to anticipate all conflicts in advance, staff are reminded that should they have questions related to Conflicts of Interest, they should seek guidance from the Head of Department and/or the relevant department with expertise in the matter, for example, Human Resources, the Office of Research and Innovation, the School of Postgraduate Studies etc.

Policy

If an individual has a conflict of interest (actual, perceived or potential), they have a duty to disclose it and to take such actions as may be appropriate, as set out under the procedure below. This duty of disclosure applies to the perception of, as well as the actual existence of a conflict of interest. RCSI recognises that conflicts may arise even when an individual acts with complete neutrality and professional integrity. The existence of this policy is not in any way intended to question the integrity of individuals, but is necessary to protect them and RCSI from reputational damage or other liabilities.

Procedure for disclosing a Conflict of Interest

In addition to the 'Conflict of Interest' clause in the contracts of employment, employees should make themselves familiar with the RCSI Conflict of Interest policy upon commencement with RCSI. All other individuals should make themselves aware of and abide by the policy.

An individual should, on an annual basis, review RCSI's Conflict of Interest Policy and declare that they fully understand and abide by the policy. In instances where an individual identifies a conflict of interest, be it real or perceived, they must complete and submit a Conflict of Interest Declaration Form, via the Conflict of Interest Page on Moodle, as soon as the conflict of interest arises. A copy of the submitted form will be issued to their line manager and Head of Department, for information.

Procedure for managing Conflicts of Interest

Where required, the individual should seek guidance from their line manager, Head of Department or relevant Department with expertise in the matter, for example, Human Resources and/or the Office of Research and Innovation. The individual should submit the Conflict of Interest Declaration Form and provide recommendations for the course of action to be undertaken to ensure the conflict of interest is properly managed or avoided. A copy of the form will be issued to your line manager and Head of Department, for information. Submitted forms will be collated by HR and subsequently sent to the SMT for review and formal approval. If approved, the declaration will be recorded on the individuals file. Approved declarations remain effective for 3 years, assuming circumstances do not change. Any amendments are required to go through the same approvals process.

Some potential ways of mitigating against conflict of interest can include:

(please note that this is not an exhaustive list):

1. Not taking part in discussions of certain matters;
2. Not taking part in decisions relating to certain matters;
3. Referring to others certain matters for decision;
4. Resolving not to act as a particular person's line manager;
5. Publishing a notice of conflict of interest;
6. Standing aside from any involvement in a particular project;
7. Declaring an interest to a particular funder, sponsor or third party (including a company) in all funding applications;
8. Divesting themselves and any associates of licensing income for an agreed duration; and/or
9. Temporarily suspending conflicting authorised consultancy or project work.

The steps outlined by the individual to properly manage or avoid a conflict of interest must:

1. Specify the persons to whom the conflict of interest will be made known;
2. Specify any activities, including discussions, negotiations and decisions, in which the individual making the disclosure may not participate;
3. Specify any positions which the individual making the disclosure may not occupy (whether temporarily or permanently); and
4. In the case of research activities, be designed to protect the integrity of the research and the reputation of the individual(s), their research group(s) and RCSI.

Referral and Questions

The individual may escalate the issue to their line manager, Head of Department, SMT representative, and/or the relevant department with expertise in the matter, for example, Human Resources, the Office of Research and Innovation, the School of Postgraduate Studies etc. as appropriate. Escalation is generally undertaken in instances where:

- The individual judges that further consideration is needed;
- The individual is unable to determine what steps should be taken to manage the Conflict of Interest;
- The individual is unable to determine which of their interests should be given up to avoid the Conflict of Interest; and/or

The line manager, Head of Department or SMT representative may provide advice to the individual in making their decision on whether a conflict exists and how it should be managed. Formal SMT approval is still required.

Failure to Disclose

Failure to seek approval for and/or disclose complete and accurate information on conflict of interests, or to appropriately manage a conflict of interest as agreed may constitute misconduct and result in disciplinary action being taken by RCSI.

Appendix 1

Explicatory examples of a Conflict of Interest

It is not possible to define all circumstances which may give rise to a conflict of interest, but the following examples are given to provide you with some guidance. Please note that this list is not exhaustive.

Financial interests:

- You offer paid private tuition to students in relation to a course you teach.
- You take personal gain at the expense of the College.
- You are a director or a significant shareholder of an external company holding shares in that company and engage the services of that company for college work, but fail to disclose your directorship and/or shareholding.
- You are a director of an external company or hold a significant shareholding in a company and that company engages with RCSI for collaborative and contract research, but you have failed to disclose your directorship and/or shareholding
- You, your partner, spouse, near relative or friend, has a financial interest in an external organisation engaged in activities with RCSI closely related to your line of work or research at the college. This includes paid consultancies, paid service on a board of directors or advisory board, or equity holdings in or royalty income from the enterprise.
- You take a financial stake (equity, option or other form of interest) or hold a formal position (such as a directorship and paid consultancy) in business ventures with a junior colleague (subordinate) or student. This could create a conflict of interest between your supervision of the student/subordinate and your business partnership with them.

Research interests:

- You are a researcher who holds a position in an enterprise or shareholding (e.g. as director) that may wish to restrict (or otherwise manage) adverse research findings for commercial reasons or not wish to publish the results of the research.
- You or another entity in which you have an affiliation or a financial interest may benefit, directly or indirectly, from dissemination of research results in a particular way (including any unwarranted delay in or restriction upon publication of such results).
- You are a researcher involved in a clinical trial or research programme which is subject to terms set by a company and you receive or hold. For example, a) royalties or licencing fees from the product/treatment under investigations or b) shares, share options, any equity interest, directorship, employment, consultancy, any payment or honorarium from the company that has an interest in the trial or the product or novel treatment being evaluated in that trial.
- You are a researcher and the rights to some of the intellectual property you have developed is being transferred to a company under agreement. You currently have or plan to have, a personal interest with the potential licensee (or optionee) and have not yet disclosed this.
- You are performing the same competing research programme for two companies simultaneously.

- As an academic member of staff you wish to participate in a research programme and act as a consultant to a research programme funder in respect of the deliverables of that research programme.
- A supervisor has or forms a personal relationship with an individual that they are directly supervising.

Staff Supervision and teaching:

- You have a close personal or familial relationship (for example, parent, partner, sibling, child, cousin and/or related partners/spouses) with a student or their family and are marking a piece of assessed work by the student, or are involved in considering that student for an undergraduate or postgraduate placement, award or prize.
- You are a member of teaching staff and accept a gift from a student prior to an exam and fail to disclose it.
- As an academic member of staff you set up a spin-out company which is closely related to your area of research. You utilize the time and / or experience of your PhD students or post-doctoral researchers to benefit the company and in conflict with their research progress make non-trivial use of your PhD students or post-doctoral researchers for company work which may conflict with their research progress.
- You have a postgraduate research student who is required to submit a thesis of their research work for examination. You select an ex-colleague/ friend, who works in a different university, to be their external examiner to ensure the student passes.
- A technology company that develops assays for patient diagnosis & monitoring approaches you with an idea for a research study that will validate their latest diagnostic test. They offer to fund a postgraduate research student (stipend, fees, consumables) to use their diagnostic assays on your patient cohort.
- A supervisor forms a personal relationship with an individual that they are directly supervising.

Other examples:

- You take part in negotiating a contract between the College and an external company, where you (either directly or via a collaborator) have a financial or non-financial interest (e.g. directorship family member) in that company.
- You are involved in an interview process where the candidate is a close friend or family member.
- Remunerated or honorary positions, and related connections, with other educational institutions (including universities, further education colleges and/or schools).
- You become involved in the procurement of goods and services with an entity that you have a vested interest in.
- You hold a public appointment (paid or unpaid) or are an elected official.