

CONFLICT OF INTEREST PROCEDURE

1. INTRODUCTION

The University recognises that our employees have diverse interests and contacts within the local, national and international communities, which can be beneficial to both the individual and the University. However, it also recognises that such connections may give rise to a conflict of interest.

The objectives of this procedure are to:

- Assist in identifying conflicts of interest;
- Establish a system for disclosures of conflicts of interest;
- Provide guidance to those responsible for dealing with conflicts of interest;
- Assist in the resolution of conflicts of interest to protect the University and its employees.

This procedure applies to all employees of the University and relates to any actual, perceived and potential conflicts of interest arising in connection with University activities.

2. DEFINITIONS

Conflict of interest: A situation in which an employee has a private, personal or commercial interest which is likely to appear to influence the objective exercise of his/her University duties.

Perceived conflict of interest: A situation which a reasonable person would consider likely to compromise objectivity.

Potential conflict of interest: A situation that could develop into an actual or perceived conflict of interest.

Private, personal or commercial interest: A financial or non-financial interest of the employee, or to a relative or friend of the employee.

- (a) **Financial interest** refers to anything of non-trivial monetary value including, but not limited to, pay, commission, consultancy fees, equity interests, forgiveness of debt, property, royalties, and intellectual property rights.
- (b) **Non-financial interest** refers to any non-financial benefit or advantage, including, but not limited to, enhancement of an individual's career, education or professional reputation; access to privileged information or facilities.
- (c) **Relative or friend** refers to any member of an employee's close family (i.e. spouse/civil partner, non-married partner, parents, siblings or children); close personal friends; and any other person with whom the employee has a relationship which is likely to appear to influence his/her objectivity.

3. PROCEDURE

Identifying a conflict of interest

When identifying whether a conflict of interest exists, an individual should ask themselves whether a private, personal or commercial interest is likely to interfere, or appear to interfere, with their objective judgement in performing his/her University duties.

If an employee believes there may be a conflict of interest, but is unsure, he/she should assume that there is a conflict and act accordingly. Similarly, if a manager becomes aware of a possible

conflict of interest, which the relevant employee appears not to have considered, he/she should bring it to the employee's attention for appropriate consideration.

Conflicts of interest can arise in many different circumstances and it is therefore not possible to set these out in a comprehensive list. However, serious conflicts of interest could occur where an employee:

- (a) Uses their position at the University to influence a contract or secure favourable terms for a company in which he/she, or a relative or friend, had a financial interest;
- (b) Influences hiring, staff promotions, admission to a course of study or educational progression for a relative or friend;
- (c) Obtains a financial or non-financial benefit for himself/herself or a relative or friend in return for providing advantage or potential advantage;
- (d) Compromises research objectivity or independence in return for financial or non-financial benefit;
- (e) Uses University resources or confidential information obtained through his/her role for personal financial or non-financial benefit, or benefit to a relative or friend;
- (f) Conducts business, employment or activity out with the University, which adversely affects their ability to perform their duties.

Disclosing a conflict of interest

It is the duty of all employees to disclose any actual, perceived or potential conflicts of interest. Failure to make this disclosure may result in disciplinary action, up to and including dismissal. In determining whether disciplinary action is appropriate, consideration will be given to the extent to which the employee was aware of the conflict of interest and whether they made a conscious decision not to disclose it.

The employee should make this disclosure to their line manager except where the conflict relates to University activities out-with that manager's control. In these circumstances, disclosure should be made to the person responsible for these activities and the employee's line manager should be informed. Where an employee identifies a potential conflict of interest, but does not wish to reveal the details to their line manager, he/she should seek advice from the University Secretary.

Disclosure should normally be made in writing and include sufficient information for the Reviewer (the manager to whom the disclosure is made) to determine whether a conflict of interest exists and enable an appropriate resolution.

Resolution of conflicts of interest

Once a disclosure has been made, the Reviewer is responsible for assessing whether a conflict of interest exists and seeking a resolution as soon as reasonably practicable.

Until that time, the employee must take no part in the activity relating to the potential conflict.

Every effort should be made to reach agreement with the employee regarding the solution. Resolution of the conflict may not go beyond the scope of the employee's contractual obligations without the employee's agreement.

Advice should be sought from colleagues in the relevant professional areas, as appropriate, such as Legal Services, Finance Department, Research and Business Innovation, Internal Audit and relevant academic advisers. Where the Reviewer is unable to decide how to resolve the conflict of interest, or wishes to have the advice and authority of a more senior colleague (or where he/she also has a conflict of interest), the matter should be referred to his/her manager, who will then become the Reviewer.

In most cases, the solution will be one of the following:

- (a) Agreement that there is no conflict of interest or that it is not sufficient to be of any concern to the University.
- (b) Agreement to allow the activity with modifications. Options for modifications include:
 - Disclosure of all pertinent information to other relevant individuals
 - Exclusion from, or third party review of, any decision-making/authorisation
 - Revisions to the research proposal or other plan
 - Reduction of involvement in the activity
 - Close monitoring of the activity
 - Termination of involvement by others (e.g. a relative or friend) in the activity
 - Divestiture of relevant personal interests
 - Reimbursement by the employee to the University for indirect costs or for the use of facilities
- (c) For the employee not to be involved in any way, thus removing the conflict of interest. Where no alternative can be agreed upon, this will be the solution, by default, if it does not go beyond the scope of the employee's contractual obligations.

In any meeting for the purpose of agreeing a solution to the conflict, the employee is entitled to be accompanied by a trade union representative or a work colleague (employed by the University of the West of Scotland).

Where agreement cannot be reached and the employee is not satisfied with the decision, he/she may take the matter up through the Director of Human Resources.

Record Keeping

The Reviewer should keep comprehensive records of the disclosure, their findings on whether a conflict of interest exists and any agreed actions. A copy of these records should be shared with the University Secretary.

Where a conflict of interest is ongoing, the employee's line manager (if different from the Reviewer) should be informed and arrangements should be put in place to notify their successor, with the employee's knowledge.

Procedure Author: Head of Legal Services

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