

# **UNIVERSITY OF ABERDEEN**

## **CODE OF PRACTICE ON CONFLICTS OF INTEREST IN RESEARCH AND COMMERCIALISATION**

### **INTRODUCTION**

The University of Aberdeen believes that the establishment of links between its employees and outside bodies – whether government departments, commerce, industry, or others – is not only in the public interest but also benefits the University and the individuals concerned. However, it is possible that such links may give rise to potential conflicts of interest. The following guidelines are provided to help individuals assess whether or not proposed activities could cause a conflict of interest and to outline the procedure for disclosure of any perceived or potential conflict.

This guidance -

- Assists in identifying conflicts of interest in research, knowledge exchange commercialisation
- Sets out how and to whom such conflicts of interest should be disclosed
- Provides examples on how conflicts of interests may be mitigated/resolved to protect the University and its employees

It applies to all employees of the University of Aberdeen engaged in research, including the delivery of research and knowledge exchange projects and the support of research and knowledge exchange activities, facilities and resources. It does not apply to conflicts of interest arising out of close or intimate relationships between staff and students or between members of staff which are covered by the policies referenced below.

It is focused solely on conflicts of interest arising out of personal or private interests that have a direct bearing on research or knowledge exchange activities undertaken as part of an employee's contractual duties. The University of Aberdeen is obliged to deal with issues raised under this guidance in a fair, prompt, reasonable and transparent way, paying due attention to the effects of any actions on an employee's work, career and reputation.

Related policies:      Replaces the Code of Practice on Conflicts of Interests (2002)  
                                 Recruitment and Selection of Staff (2022)  
                                 Staffing Policy: Staff and Students Conflicts (2006, last revised 2017)  
                                 Staffing Policy: Staff Relationships (2008, last revised 2017)

This guidance does not affect any statutory rights under the institutional Whistleblowing Policy or any ethical considerations arising from client confidentiality.

## GUIDELINES AS TO CONFLICT OF INTEREST

The University of Aberdeen recognises that many of its employees maintain close links with outside organisations, or are closely associated through friends and family with those who are so linked. Such links are often beneficial to both the University and the employees, and generally encouraged as part of our wider engagement with stakeholders in research and knowledge exchange activities.

In cases where such links, current, past or future, give rise to conflicts of interest, this guidance sets out steps and actions to be taken to address or mitigate them.

A conflict of interest exists where the decision making or judgement of an employee may be influenced by actual or potential benefit or advantage that could be obtained from it, for example (list is not exhaustive):

- When deciding whether to award a contract or other favourable terms for a company in which they, or a friend or a relative, have a financial interest;
- Obtaining financial or other benefit for themselves, a friend or relative in return for providing advantage or potential advantage;
- When disclosing confidential or commercially sensitive information to third parties in return for financial or non-financial benefit;
- Using institutional resources, information or facilities obtained through University employment for financial or non-financial benefit for themselves or a friend or relative;
- When compromising research objectivity or integrity (including the delaying or prevention of publication) in return for financial or non-financial benefit.
- Involvement in externally funded activity which might infringe the right of a student, engaged in the activity, to complete the degree for which he or she is registered, and/or to publish freely his or her findings (except in the circumstances referred to in sub- paragraph b above) or where a supervisor is also a shareholder or director of the company sponsoring the project financial interest held by an individual (or by his or her immediate relative/s or household member/s) in an external enterprise, engaged in activities closely related to that individual's line of research in the university. Examples of such interests are paid consultancies, paid service on a board of directors or advisory board, or equity holdings in or royalty income from the enterprise. The existence of such an interest does not necessarily imply conflict, but may give an appearance of conflict, and should be declared (as set out in more detail below).
- A personal involvement in any company or commercial enterprise which is in a contractual relationship with the University, or which is in the process of negotiating a contract with the University, where the employee has been concerned or connected with placing or negotiating the contract in question or with the research or other activity which the contract might cover

Where a conflict of interest exists, it will need to be disclosed, whether actual, perceived or potential. The test to be applied is whether a reasonable observer would conclude that, in the given circumstances, an employee's ability to fulfil their duties and make decisions is influenced by private or personal interests. A perceived conflict of interest is one which a reasonable person would consider likely to

compromise objectivity. A potential conflict is a situation which could develop into an actual or perceived conflict of interest.

In addition, there are certain circumstances which can give rise to conflicts that require approvals and requirements are set out below.

## **EXECUTIVE DIRECTORSHIPS AND APPOINTMENTS**

It is University policy that no member of staff shall hold any executive directorship or appointment without the express approval of the Start up and Spin out Panel (SUSOP) and their Head of School/Directorate. Approval for such directorships may be given in the following circumstances:

- Where a member of staff has satisfied SUSOP that the holding of an executive directorship is or will be necessary to satisfy the requirements of a recognised stock exchange for the listing of scientific, research-based companies; and/or
- Where SUSOP is satisfied that approval will be justified on other grounds, eg a prerequisite for investment.

Consent will be given only if SUSOP is satisfied that the appointment will comply with the general conditions relating to the holding of other appointments.

For the purpose of this guidance, an executive directorship is one involving an active management role, whether or not including research, in the company concerned.

## **HOLDING OF OFFICES AND SHARES BY MEMBERS OF STAFF OF THE UNIVERSITY**

No member of staff shall, without permission of SUSOP, serve in a personal capacity as a director or other officer or employee or agent or sub-contractor of a company or commercial enterprise, the establishment of which arose out of or was connected with work done in the University, or any company or commercial enterprise in a contractual relationship with the University, where the member of staff was concerned or connected with placing or negotiating the contract in question.

Any member of staff nominated by the University to serve as a director or other officer of a company shall be deemed to accept the nomination in the discharge of his or her duties as an employee of the University. Any director's fee or other emolument shall normally be accepted on behalf of the University and applied to University purposes.

No member of staff, without permission of SUSOP, shall hold any shares in a company, the establishment of which arose out of or was connected with work done in the University, or any company in a contractual relationship with the University, where the member of staff was concerned or connected with placing or negotiating the contract in question, unless such shares have been acquired following the listing of the company on a recognised stock exchange.

SUSOP shall have powers to vary these requirements and shall report any such variances to the Senior Management Team (SMT).

## **DISCLOSURE OF CONFLICTS OF INTEREST**

All conflicts of interest, whether actual, perceived or potential, must be disclosed. In the vast majority of cases, disclosure should be made to line manager or Head of School/Directorate. Where this is not possible, disclosure must be made to V-P Research or V-P Regional Engagement.

Disclosure should be made in writing and provide sufficient information to enable the person to whom disclosure is made to judge whether a conflict of interest exists, what the nature of that conflict is (including whether actual, perceived or potential), whether the links are current, past or in the future, whether conflict of interest is in relation to the employee, or their friend(s) or relative(s). This includes a description of the research or knowledge exchange activities involved, the nature of the links, and, where appropriate, details of external funders and other partners or parties to the project. It should then be discussed with appropriate senior officer(s), and the course of action agreed be communicated, in writing, to the employee.

Employees disclosing a conflict of interest must not take any further part in the decision making or activity that gave rise to the conflict of interest until a final or interim resolution has been agreed.

The confidentiality of disclosures will be respected as far as possible, and shared on a 'need to know' basis only.

Where a conflict of interest ceases to exist, for example because links to an outside organisations have come to an end, the employee must inform their line manager/Head of School as appropriate.

Research & Innovation shall manage a central register of conflicts of interest which records all disclosures and their resolution.

## **RESOLUTION OF CONFLICTS OF INTEREST**

All efforts must be made to agree a resolution of a conflict of interest, seeking advice from appropriate professional services colleagues or senior colleagues as appropriate. Where it is agreed that a conflict of interest exists and an agreement cannot be reached within one week of disclosure, the person to whom the conflict of interest was disclosed, together with the Head of School or other appropriate senior officer may reach an interim conclusion

- For the employee to cease all involvement in the activity that gave rise to the conflict of interest; or
- For the employee to continue their involvement in the activity with appropriate modifications

Until a final resolution has been agreed.

The default resolution for conflicts of interest is the cessation of all activities in question, and where a resolution cannot be agreed, the default applies. Other

possible resolutions include (list is not exhaustive):

- 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 plans;
- 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; and/or
- reimbursement by the employee to the University for indirect costs or for the use of facilities.

Where any modifications of involvement in an activity have a substantial impact on an employee's contractual obligations to the University, advice from an HR adviser must be sought.

A record of all declarations made under these guidelines shall be maintained by Research & Innovation. In addition to declarations made from time to time under the above procedure, and members of staff shall be required to provide updated information on request.

## **FAILURE TO DISCLOSE A CONFLICT OF INTEREST**

Failure to disclose an actual or perceived conflict of interest, or to remain involved in breach of an agreed resolution or interim resolution, may result in disciplinary action and serious cases could result in dismissal. In determining whether disciplinary action is appropriate, consideration will be given to the extent to which the employee could reasonably have been aware of the actual, perceived or potential conflict of interest and/or made a reasonable decision not to declare it.

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