



## Conflicts of Interest Policy

Policy name	Conflicts of Interest
Approved by	SMG (14 November 2022) Court (24 November 2022)
Implementation date	4 <sup>th</sup> January 2023
Last reviewed	October 2022
Owner	Court Office
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## **1. INTRODUCTION**

- 1.1. The University recognises that its staff will have many interests and contacts within the local, national and international communities, which benefit the University in the achievement of its ambitions.
- 1.2. From time to time, members of University staff may be placed in situations where actual or potential conflicts of interest, of a financial, ethical, legal or other nature, arise between their personal and professional interests and their University duties.
- 1.3. Conflicts that are properly managed generally enable activities to proceed as normal whilst protecting the integrity and reputation of the individuals, the University and its members. Actual, potential or perceived conflicts which are not managed effectively risk harming the integrity and reputation of the University and of the individuals concerned.
- 1.4. Those persons to whom this Policy relates are required to recognise and disclose actual, perceived or potential conflicts of interest when there is a risk of them arising, and to ensure that such conflicts, if they arise, are properly managed or avoided.
- 1.5. As an institution in receipt of public and other funds, the University has a duty to fulfil the highest standards of corporate governance. In addition, members of the University Court are legally required to act in the best interests of the University and to avoid situations where there may be a potential conflict of interest. Members of staff appointed to the boards of the University's related companies have similar obligations.
- 1.6. Any questions in relation to this Policy should be directed to the Chief Operating Officer and University Secretary.

## **2. SCOPE AND PURPOSE**

- 2.1. This Policy applies to all employees of the University, to all Honorary and Emeritus status, to all members of the University Court, to external members of Committees and working groups set up by the University, to staff employed by subsidiaries of the University who are also members of University staff.
- 2.2. Any reference in this Policy to a "member of staff" includes any person within the scope of this Policy.
- 2.3. The purpose of this Policy is to protect the University and members of staff from any appearance of impropriety and thereby safeguard their reputations and that of the institution as a whole. This Policy also enables members of staff to comply with their legal and contractual obligations to third parties (such as research funders).

- 2.4. This Policy applies in addition to, and does not in any way replace, the requirement for members of staff to seek permission to undertake certain activities as part of or in addition to their usual job role, as set out in their terms and conditions of employment, and the University's Consultancy Policy<sup>1</sup> and Policy for Externally Funded Activities<sup>2</sup>.

### **3. POLICY STATEMENT**

- 3.1. All members of staff are responsible for:
- 3.1.1. identifying situations in which they have a conflict of interest or where there is potential for a conflict of interest to arise;
  - 3.1.2. disclosing such situations to the University; and
  - 3.1.3. where required, taking appropriate measures to manage the conflict of interest in accordance with the general procedures below (see section 4).
- 3.2. Some members of staff, due to their position within the University or the nature of the work in which they are involved, have extra responsibilities under this Policy, which are subject to special procedures involving a mandatory return on an annual basis, even if it is a Nil Return (see section 5).
- 3.3. A breach of this Policy may lead to investigation under the University's disciplinary procedures.

### **4. GENERAL PROCEDURES**

#### **Identifying a Conflict of Interest**

- 4.1. Each member of staff is responsible for identifying situations in which they have a conflict of interest or where there is potential for a conflict of interest to arise.
- 4.2. A conflict can occur when the duties owed to the University by members of staff compete with their personal interest, personal relationships or duties to others. This can include situations where the commitments and obligations owed by the member of staff to the University or to other bodies, for example a funding body, are likely to be compromised or may appear compromised by:
- 4.2.1. personal gain, or gain to immediate family (or a person with whom the member of staff has a close personal relationship), whether financial or otherwise; or

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<sup>1</sup> <https://www.gla.ac.uk/myglasgow/ris/ieed/policies/consultancy/>

<sup>2</sup> [https://www.gla.ac.uk/media/Media\\_817795\\_smxx.pdf](https://www.gla.ac.uk/media/Media_817795_smxx.pdf)

4.2.2. the commitments and obligations that the member of staff owes to another person or body.

4.3. A conflict can be actual, potential or perceived. 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.

4.4. A conflict of interest may be financial or non-financial, or both.

**4.5. If a member of staff is unsure about whether a particular situation amounts to a conflict of interest (actual or potential), they should disclose that situation.**

4.6. Some examples of potential conflicts of interest are listed in Appendix 1. This list is not exhaustive.

### **Disclosing a conflict of interest**

4.7. Each member of staff must disclose to the University any situation in which they have identified a conflict of interest (actual or potential) as soon as possible after identifying the conflict of interest. If the conflict is potential, the member of staff must not wait until the conflict actually arises; they must disclose the potential conflict as soon as they identify it.

4.8. A member of staff shall make their disclosure to their Head of School, Head of College (or to the Chief Operating Officer in the case of members of staff in University Services) by completing a Conflicts of Interest Disclosure Form on the 'My Profile' section of CORE.

All Conflicts of Interest recorded on TenderViewer must also be recorded on 'My Profile' section in CORE.

### **Management of a conflict of interest**

4.9. The relevant Executive Director, Head of School, Head of College or Chief Operating Officer will evaluate any disclosure made by a member of staff and may decide either that:

4.9.1. Disclosure of the conflict is sufficient; or

4.9.2. Additional measures may be required to manage the conflict in order to protect the University and/or the member of staff.

4.10. If the relevant Executive Director, Head of School, Head of College or Chief Operating Officer is subject to the same conflict situation, they shall refer the

situation to another Executive Director, Head of School or College for consideration.

- 4.11. In cases where the relevant Executive Director, Head of School, Head of College or Chief Operating Officer has decided that additional measures may be required to manage the conflict, they will decide on the appropriate measures to be taken following discussion with the member of staff. The discussion with the member of staff shall take the form on a Conflict Management Plan.
  - 4.11.1. The Conflict Management Plan will detail the conflict of interest, any additional actions to be taken and will include a suitable review date. This information will be kept on file for as long as the conflict of interest exists.
- 4.12. The relevant Executive Director, Head of School, Head of College or Chief Operating Officer will discuss and inform the member of staff of any additional measures that are required to manage the conflict, which may include:
  - 4.12.1. the member of staff not taking part in University discussions Procurement process or meetings about the matter causing the conflict;
  - 4.12.2. the member of staff not being responsible for University decisions regarding the matter;
  - 4.12.3. the member of staff not signing any contract on behalf of the University regarding the matter;
  - 4.12.4. including a notice of the conflict in any publications relating to the matter; and/or
  - 4.12.5. in limited cases, where the conflict is severe, restricting one or other of the member of staff's conflicting activities.
- 4.13. In reaching a decision, the Executive Director, Head of School, Head of College or Chief Operating Officer may (but is not required to) consult with the Senior Management Group.
- 4.14. Decisions of the Executive Director, Head of School, Head of College or Chief Operating Officer will be recorded in the conflicts of interest register (see section 6 below) with a review date set.
- 4.15. Members of staff are required to comply with any additional measures put in place to manage the conflict of interest and failure to comply may result in disciplinary action.
- 4.16. Any member of staff who is concerned that another member of staff may have an undisclosed conflict should raise this with the individual's line manager.

## **5. SPECIAL PROCEDURES**

### **Annual declaration for certain members of staff**

- 5.1. The following members of staff are required to submit a mandatory annual declaration listing all situations in which they have a conflict of interest (actual or potential), or confirming that there are no such situations:
  - 5.1.1. members of the University Court;
  - 5.1.2. members of the Senior Management Group;
  - 5.1.3. Executive Directors of University Services, Deputy Directors and Directors of University Services;
  - 5.1.4. Deans;
  - 5.1.5. Heads of School;
  - 5.1.6. all members of staff working in Procurement and at Grade 7 and above in Estates and Commercial Services;
  - 5.1.7. members of staff who have declared an interest in accordance with the general procedures above (see section 4) during the previous academic year.
- 5.2. The annual declaration shall be submitted by completing a Conflicts of Interest Annual Declaration Form on the 'My Profile' section of the HR system

### **Members of the University Court, Court Committees and Senior Management Group**

- 5.3. Members of the University Court are reminded of the Code of Conduct for members of the University Court, which also applies to them.
- 5.4. University Court requires that the Convener and other Court/Court Committee members and members of the University Senior Management Group should declare any personal or business interests which may conflict with their responsibilities to the University on the Register of Interests.
- 5.5. The Register of Interest is kept up to date by means of an annual survey of interests carried out by the Court Office.

### **Personal Use of University contractors by members of staff in Procurement and Estates and Buildings**

- 5.6. Any member of staff in these departments wishing to engage University contractors for personal contracts should seek the written approval of the

Director/Head of Service in advance using the Personal Use of Contractors declaration form on the 'My Profile' section of the HR system

### **Requirements of external parties relating to conflicts of interest**

- 5.7. Members of staff need to be aware of and comply with any applicable requirements of external parties in relation to conflicts of interest, for example:
  - 5.7.1. Some funders (e.g Cancer Research UK), require notification to them of certain conflicts of interests;
  - 5.7.2. Members of staff sitting on committees or boards will need to comply with the conflicts of interest policy of that committee or board.
- 5.8. If a member of staff is unsure whether there are any external party requirements which affect them in relation to their activities, they should seek advice from their College Research Support Office or the Central Research Support Office.

### **PHS funded researchers**

- 5.9. The US Department of Health has recently revised its regulations relating to the disclosure and reporting of Conflicts of Interest for researchers funded by its Public Health Service ((PHS) which includes the National Institute for Health (NIH)).
- 5.10. The regulations are more detailed than the regulations imposed by other funders outlined in paragraph 5.5 above and the University has developed a specific policy and procedures to be followed by members of staff funded by PHS, which are detailed in Appendix 2.

## **6. REGISTER OF INTERESTS**

- 6.1. Information provided by members of staff regarding conflicts of interest under this Policy and any measures required in relation to conflicts of interest will be recorded on a register of interests.
- 6.2. Extracts of the register of interests relating to members of the University Court and Senior Management Group may be made available under the University's Publication Scheme<sup>3</sup>.
- 6.3. Extracts of the register of interests relating to other members of staff may be subject to disclosure in response to requests for information under the Freedom of Information (Scotland) Act 2002. The University will consider whether there are any applicable exemptions under the Act to disclosure when responding to any such requests.

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<sup>3</sup> <http://www.gla.ac.uk/legal/freedomofinformation/foipublicationscheme/>

## **7. GRIEVANCES**

- 7.1. If a member of staff is unhappy with any decision made under this Policy in respect of a conflict situation affecting them, they may follow the University's usual grievance procedures (non-employees may contact the Secretary of Court for a review, whose decision on review shall be final).

## **8. Additional Information**

The University's Conflict of Interest Policy is written within the broader context of the University's procedural and policies, and must be considered alongside these, including but not limited to:

- [Personal Relationship Policy](#)
- [Research Integrity and Misconduct](#)
- [Bribery and Corruption Policy](#)
- [Dignity at work and study policy and procedure](#)
- [Procurement Policy](#)
- [Financial Regulations](#)
- [Consultancy Policy](#)
- [Intellectual Property and Commercialisation Policy](#)
- [Gift and Hospitality Policy](#)

## Appendix 1 – Examples of potential conflicts of interest

This list is not exhaustive and members of staff should consider their own particular circumstances. Members of staff should ask themselves if others (e.g. managers, students, customers, colleagues, members of the public) would trust their judgement if they were in possession of the facts of the interest: could others reasonably conclude that it might influence the member of staff to act other than in the interests of the University? Advice may be sought from a line manager in the first instance.

A close relative or immediate family can be defined as: spouse, civil partner, or a financial dependent. However, the 'close personal relationship' giving rise to an interest could extend to the following (this is not intended to be an exhaustive list): unmarried partner, parent, all children, siblings, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, the (unrelated) child of an unmarried partner, as well as half and step members of family.

### Examples

The member of staff, or their spouse, partner, close relative or business partner has interests such as:

- Business position such as Directorships, including non-executive directorships of, or employment by, public or private companies likely or possible seeking to do business with the University.
- Significant shareholdings in public or private companies or ownership or part-ownership of or employment by businesses or consultancies likely or possibly seeking to do business with the University.
- Any other personal or financial interest (including shareholding) in a company or other organisation with which the University is negotiating or holds a contract or is engaged in any other business transaction.
- Remunerated or honorary positions and other connections with HE institutions which may give rise to a conflict of interest.
- Ownership or part ownership or other interest in property for rent or lease in the vicinity to the University.
- Representational or other non-financial interests in areas covering the University (e.g. election as a Councillor or MP for a ward including all or part of the University).
- A personal financial interest (e.g. licence income) in a University activity.
- Membership of an external committee or body whose work may relate to that of the University (for example, committees or bodies set up by research councils, other funding bodies, school boards, government departments, NHS trusts).

- Involvement in the provision of University services (for example, where a member of staff is the parent of an applicant to a course and would be responsible for admission decisions for that course).

A member of staff who

- has or develops a close personal relationship with a student or member of the family of a student for whom they have responsibility for grading work;
- is investigating a potential disciplinary matter or develops a close personal relationship with a student involved in the investigation or a member of that student's family;
- has a spouse or partner who is also a member of staff at the University, in cases where they may work together on matters affecting the University's business.

Highlighted below are some common instances where conflicts of interest might arise; members of staff may find these useful as illustrative examples. However, conflicts of interest can manifest themselves in a wide variety of different ways, and it is not possible to account for every situation:

- An academic is providing consultancy for an external organisation whilst at the same time supervising a PhD student. If the student becomes involved in the work relating to the consultancy contract, this creates a potential conflict of interest for the supervisor and potentially the student, which must be declared and managed effectively.
- A researcher is facilitating a clinical trial of a therapeutic agent which is being developed by a spin-out company – a company which the researcher helped to establish and now has a financial interest in as a shareholder. Although the researcher may be the only person with the necessary expertise to carry out the clinical trial effectively, it nevertheless represents a conflict of interest that must be declared and managed by the researcher who must remove themselves from the decision-making process.
- A manager may need to procure specialist equipment or services to deliver a project. If the manager's partner sits on the board of a company that is being considered in the tendering process that creates a conflict of interest which must be declared. It does not disqualify the company, but as part of the Conflict Management Plan, the manager in question must extricate themselves from the selection process. This is often perceived as being a complex area; but if there is any doubt in a situation then disclosure is the recommended initial course of action.

## Appendix 2 – Policy and Procedure for PHS funded researchers

### Background

1. The US Department of Health and Human Services imposes specific and rigorous regulations relating to the disclosure and reporting of conflicts of interest for research funded by its Public Health Service ((PHS) which includes the National Institute for Health (NIH)). This Policy and Procedures has been developed by the University to ensure compliance these regulations.

### Policy Statement

2. All members of staff who apply for PHS funding or are already working on PHS funded research (either directly or through another institution which is the lead collaborator), are required to:
  - 2.1. disclose any Significant Financial Interests (see paragraphs 3 to 8 below);
  - 2.2. comply with any management plan put in place in respect of any Significant Financial Interest (see paragraphs 9 to 11 below); and
  - 2.3. complete training in relation to this Policy (see paragraphs 12 and 13 below).

### Disclosure of Significant Financial Interest

3. A 'Significant Financial Interest' for the purpose of this Policy means one or more of the following interests of the member of staff or their spouse or dependents, in each case where the interest reasonably appears to be related to the member of staff's institutional responsibilities:
  - 3.1. **Public company remuneration:** Remuneration (including salary, fees, honoraria, payment for services<sup>4</sup>) received from a publicly traded company in the 12 months preceding disclosure, together with any equity interest (e.g. shares) in that company as at the date of disclosure, exceeds US\$5,000;
  - 3.2. **Private company remuneration:** Remuneration (including salary, fees, honoraria, payment for services) received from a non-publicly traded company in the 12 months preceding disclosure exceeds US\$5,000;
  - 3.3. **Private company ownership:** Holding an equity interest (e.g. shares) in a non-publicly traded organisation;

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<sup>4</sup> If a member of staff undertakes an activity under the University's Consultancy Policy and waives their entitlement to receive the fee income, such waived fee income is not considered a 'Significant Financial Interest'

- 3.4. **Intellectual Property Rights:** Intellectual property rights held by the member of staff in their own name, and any income relating thereto;
- 3.5. **Travel:** The occurrence of any reimbursed or sponsored travel, except where that travel is reimbursed by a US federal, state or local government agency, a US institution of higher education, a US academic teaching hospital or medical centre or a US research institute that is affiliated with a US institution of higher education.
4. A 'Significant Financial Interest' for the purpose of this Policy does **not** include:
  - 4.1. Ordinary salary, royalties and other remuneration<sup>5</sup> paid by the University to the member of staff (including in respect of intellectual property rights assigned to the University by the member of staff);
  - 4.2. Income from seminars, lectures or teaching engagements sponsored by a US federal, state or local government agency, a US institution of higher education, a US academic teaching hospital or medical centre or a US research institute that is affiliated with a US institution of higher education;
  - 4.3. Income from service on a review panel or advisory committee for a US federal, state or local government agency, a US institution of higher education, a US academic teaching hospital or medical centre or a US research institute that is affiliated with a US institution of higher education.
5. Members of staff are required to disclose any Significant Financial Interests (or confirm that they have none), by submitting a SFI Disclosure Form (a copy of which is attached to this Policy) to the Research Support Manager (Overseas) prior to the submission of any application for PHS funding.
6. Members of staff are required to submit a SFI Disclosure Form to the Research Support Manager (Overseas) annually during the period of any PHS funding on the anniversary of the commencement date of the PHS funding.
7. Members of staff are required to disclose any change to their Significant Financial Interests within thirty (30) days of such change, by submitting a SFI Disclosure Form to the Research Support Manager (Overseas).
8. If a member of staff is unsure whether or not they have a Significant Financial Interest, he or she should seek advice from the Research Support Manager (Overseas).

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<sup>5</sup> other than remuneration paid to a member of staff by the University under the University Consultancy Policy, which may be a 'Significant Financial Interest' if it meets any of the tests set out in paragraph 3.

## Compliance with management plan

9. On receipt of a SFI Disclosure Form, the Research Support Manager (Overseas) shall determine whether any Significant Financial Interest is related to the PHS-funded research and, if so related, whether the Significant Financial Interest amounts to a financial conflict of interest that could directly and significantly affect the design, conduct or reporting of the PHS-funded research (hereinafter referred to as a FCOI). The Research Support Manager (Overseas) may involve the member of staff in their determination but the decision of the Research Support Manager (Overseas) is final.
10. If the Research Support Manager (Overseas) determines that a Significant Financial Interest amounts to a FCOI, the Research Support Manager (Overseas) shall:
  - 10.1. develop a management plan that shall specify the actions to be taken to manage the FCOI, which may include:
    - 10.1.1. public disclosure of the FCOI (for example when presenting or publishing the research);
    - 10.1.2. for research involving human subjects, disclosure of the FCOI to such subjects;
    - 10.1.3. appointment of an independent monitor capable of taking measures to protect the design, conduct and reporting of the research against bias or perceived bias resulting from the FCOI;
    - 10.1.4. modification of the research plan;
    - 10.1.5. change of personnel or personnel responsibilities (for example disqualification from participation in all or a portion of the research);
    - 10.1.6. reduction or elimination of the Significant Financial Interest (for example sale of shares); or
    - 10.1.7. severance of the relationship creating the Significant Financial Interest.
  - 10.2. report such FCOI in accordance with PHS requirements.
11. A member of staff whose Significant Financial Interest is determined to amount to a FCOI is required to comply with the management plan developed by the Research Support Manager (Overseas).

## **Training**

12. All members of staff who apply for PHS funding are required to complete the NIH's online tutorial available on the NIH website at <http://grants.nih.gov/grants/policy/coi/tutorial2011/fcoi.htm> :
  - 12.1. prior to engaging in any PHS funded research;
  - 12.2. at least every 4 years thereafter during the period of the PHS funding; and
  - 12.3. at any other time if required by the University in order to comply with PHS requirements.
13. A certificate of completion is generated on completion of the tutorial. Members of staff are required to pass a copy of the certificate of completion to the Research Support Manager (Overseas), to be filed with the relevant grant documentation.

## **General**

14. The University may make available in response to a request from a member of the public the details of any FCOI relating to any member of staff who are key personnel under any PHS funded research. Key personnel include the PI and anyone else identified as key personnel in the grant application. The information that the University may make available will include as a minimum, the name of the member of staff, their title and role in the PHS funded research, the name of the entity in which the Significant Financial Interest is held, the nature of the Significant Financial Interest, and the value of the Significant Financial Interest (within a range).
15. A breach of this Policy may lead to investigation under the University's disciplinary procedures
16. Without prejudice to paragraph 15 above, if the PHS determines that clinical research funded by it has been designed or conducted by a member of staff with a FCOI which the member of staff failed to disclose in accordance with this Policy, the member of staff will be required to adhere to such additional measures as required by PHS, including but not limited to public disclosure of the previously undisclosed FCOI in any public presentation of the research results.

**University of Glasgow  
Policy and Procedure for PHS funded researchers  
SFI Disclosure Form**

**INSTRUCTIONS:**

- (i) Complete details below and sign and date form.
- (ii) Send hard or scanned copy to the Research Support Manager (Overseas).

<b>Name</b>	
<b>Staff Number</b>	
<b>School (if applicable)</b>	
<b>College/University Service</b>	
<b>Position</b>	
<b>Type of Interest (delete as applicable)</b>	<b>Public company remuneration/ Private company remuneration/ Private company ownership/ Intellectual Property Rights/ Travel</b>
<b>Short Description</b>	
<b>Value (Public company remuneration/Private company remuneration only)</b>	
<b>Additional Details (Travel only)</b>	<b>Purpose:</b>  <b>Sponsor:</b>  <b>Destination:</b>  <b>Duration:</b>

**Signature:**

**Date:**