

CONFLICT OF INTEREST

1.0 Introduction

- 1.1 In keeping with its academic aims and purposes, the University encourages the closest liaison between its staff and industry, professional bodies, commerce, charities and Government departments, including via personal directorships, partnerships, consultancies (including private clinical practice), trusteeships, trade engagements, membership of official committees and intellectual property licensing and involvement in spin-out companies (as per the University's Intellectual Property Policy). The University also allows staff to be engaged in general paid and unpaid activities such as retail, bar work etc.
- 1.2 The University is committed to maintaining the highest standards and conducts its business in accordance with best practice in Higher Education corporate governance, and with the seven principles identified by the Committee on Standards in Public Life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership). Everyone associated with the University should conduct themselves with integrity, impartiality and honesty at all times and should maintain high standards of propriety and professionalism. They should avoid situations where they, or the University, could be open to suspicion of dishonesty, and not put themselves in a position of conflict between their various activities.
- 1.3 This policy (the **Policy**) explains what the University views as a Conflict of Interest and the procedure to follow where the possibility of a Conflict of Interest arising exists.

2.0 Scope and Definitions

- 2.1 The term **University** refers to University of Exeter as well as any subsidiary majority-owned by the University of Exeter.
- 2.2 This Policy applies to any **University Member**, which will be taken to mean any of the following:
 - a. full and part time staff employed by the University, or engaged by or directors of subsidiary companies of the University;
 - b. anyone affiliated to the University by way of an honorary contract (including but not limited to honorary academics, emeritus academics, visiting academics and visiting researchers); and
 - c. external members of the University's Council and Council's Committees (including in particular the University's Audit Committee).
- 2.3 This Policy applies whenever a University Member recognises, or should reasonably recognise, that a Conflict of Interest may arise from their activities.
- 2.4 Determining a Conflict of Interest
 - 2.4.1 A **Conflict of Interest** is a situation in which a University Member has an Interest (defined below) which may compromise that University Member's obligations to the University or to any other body with which the University has a relationship (for example a funding body), for instance if the Interest might provide an incentive to the University Member which affects their actions, or where the University Member has the opportunity to affect or influence a University 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.

Explicatory examples of a Conflict of Interest are available at Appendix A of this Policy.
 - 2.4.2 An **Interest** is a financial or non-financial interest to the University Member, or to a Connected Person (defined below). A *financial interest* refers to anything of monetary value including but not limited to pay, commission, consultancy, equity interest, forgiveness of debt, property, licensing income, and honoraria. A *non-financial interest* refers to any non-financial benefit or advantage including but not limited to enhancement of a University Member or Connected Person's career,

education or professional reputation, access to privileged information or facilities and property, or Intellectual Property Rights.

2.4.3 A **Connected Person** is anyone with whom the University Member has a relationship which is likely to appear, to a reasonable person, to influence the University Member's objectivity. This includes, but is not limited to, the University Member's close family, their partner and close personal friends.

2.5 The University of Exeter Compliance and Governance Advisory Group will act as a Conflict of Interest Committee where required.

3.0 Policy statement

If a University Member 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 the situation as well as the actual existence of a Conflict of Interest – suspicion may arise even when a University Member acts with complete neutrality and professional integrity. The existence of this Policy is not in any way intended to question the integrity of University Members, but is necessary to protect them and the University from reputational damage or other liabilities.

4.0 Procedure

4.1 Procedure for Disclosing a Conflict of Interest relating to University Committee Work

Where the Conflict of Interest relates to a University Member's role on a University Committee and a particular item on the Committee's agenda, it is best practice for that University Member to disclose the Conflict of Interest to the Committee at the beginning of the item in question, or in advance to the Chair or Secretary of the Committee.

Please note that University Members on external committees, such as research council committees, grant review panels, editorial boards etc., will usually be asked by those parties to disclose any Conflict of Interest relating to the University Member's role on that committee.

4.2 Procedure for Disclosing a Conflict of Interest relating to Clinical Trials

Where a University Member is considering involvement in a clinical trial, prior to that clinical trial commencing, in addition to any Register of Interests declarations, the University Member must disclose in writing to their Head of Department (or other relevant person under section 4.4) any and all actual, potential or perceived Conflict of Interests that they or a Connected Person have with the company that is funding that clinical trial or owns or has licensed the product or novel treatment being evaluated in the clinical trial, or any royalty or licensing income that they or a Connected Person are receiving in relation to the product or novel treatment under investigation.

4.3 Procedure for Disclosing all other Conflict of Interests

For all other Conflicts of Interests, in addition to any Register of Interests declarations, the University Member should make disclosures in writing to their Head of Department (or other relevant person under section 4.1.4), via their line manager as soon as the actual, potential or perceived Conflict of Interest arises.

4.4 Where the University Member is a Head of Department, College PVC or University Officer, they must make a disclosure in writing to their line manager. Where the Head of Department also has an interest in the matter disclosed (in sections 4.2 and 4.3 above), the University Member should instead make the disclosure to (a) their line manager's line manager / (b) their College PVC / (c) the Conflict of Interest Committee. Where the University Member is an external member of the University Council or one of the Council's committees, written disclosures must be made to the University Secretary and Registrar.

4.5 Where the Conflict of Interest concerns or affects a student registered with the University, the University Member should specifically refer to this in their disclosure.

4.6 Procedure for Managing a Conflict of Interest relating to University Committee Work

For a Conflict of Interest relating to a University Member's role on a University Committee and a particular item on that Committee's agenda, the Committee Chair will review the Conflict of Interest and agree any necessary steps with the University Member. Where the

Committee Chair has an Interest in the matter disclosed, they should appoint a Deputy Chair to review the Conflict of Interest and agree any necessary steps with the University Member in the Committee Chair's place.

The Committee Secretary should record in the minutes of the meeting both the Conflict of Interest declaration and the Committee Chair/Deputy Chair's decision regarding further action.

4.7 Procedure for Managing a Conflict of Interest relating to Clinical Trials

The University takes the view that, during the course of a clinical trial that the University is participating in, it is an unmanageable Conflict of Interest for a University Member involved in the clinical trial, regardless of title or position, who is responsible for design, conduct or reporting of the trial (including, but not limited to, Chief or Principal Investigator, consortium participant, collaborator, co-investigator or consultant), or a Connected Person, to receive or hold:

- a. in respect of any company that has an interest in or is funding that clinical trial:
 - i. shares, share options or other equity interest;
 - ii. the position of officer, member of the board of directors, employee or consultant;
 - iii. any personal payment or honorarium;
- b. royalties or licensing income (prospective or realised) from the product or novel treatment under investigation.

If a University Member and/or a Connected Person has an Interest as listed in (a) and (b) above it would be expected that University Member would agree with their Head of Department (or other relevant person under section 4.4) not to be involved in that clinical trial.

The Head of Department should record in writing the course of action agreed with the University Member to be undertaken to ensure the Conflict of Interest is properly managed or avoided, signed by both the Head of Department and the University Member, and forward this to their HR representative for filing on the University Member's personal file and for inclusion in the Register of Interests (see the University's Register of External Interests and Annual Declaration Policy). It is the responsibility of the affected University Member to comply with the course of action agreed with their Head of Department. The course of action should be promptly communicated in writing to the Trial sponsor's representative.

4.8 Procedure for Managing all other Conflict of Interests

For all other Conflicts of Interests the Head of Department (or other relevant person under section 4.4) should review the disclosure to determine if it needs to be properly managed or avoided or if it falls within any of the situations set out below (please note that this is not an exhaustive list):

- a. A University Member may not concurrently participate in a University project (howsoever funded) and act as a consultant or sub-contractor to the project's funder in respect of any of the project's deliverables, i.e. the consultancy must be independent of the project's deliverables.
- b. A University Member having a personal Interest (either directly or via a Connected Person) in a transaction between the University and a third party and may not take any part in or influence the determination of the price or any conditions associated with it.
- c. Where an academic University Member holds an education leadership role or a position of influence over students, including setting, marking or conducting examinations, it is inappropriate for them to participate in the management or delivery of external revision courses in either a paid or unpaid capacity.

If the Head of Department concludes that the Conflict of Interest does fall within the situations set out above, including any others reasonably determined, or determines that the Conflict of Interest needs to be properly managed or avoided, they should agree with

the University Member which of their Interests the University Member should give up, as set out below, to ensure the Conflict of Interest is properly managed or avoided (please note that this is not an exhaustive list):

- a. Not taking part in discussions of certain matters;
- b. Not taking part in decisions relating to certain matters;
- c. Referring to others certain matters for decision;
- d. Resolving not to act as a particular person's line manager;
- e. Publishing a notice of interest;
- f. Standing aside from any involvement in a particular project;
- g. Declaring an interest to a particular funder, sponsor or third party;
- h. Divesting themselves and any Connected Person of licensing income for an agreed duration; and/or
- i. Temporarily suspending authorised consultancy work.

The steps agreed by the Head of Department and the University Member to properly manage or avoid a Conflict of Interest must:

- a. specify the persons to whom the Interest will be made known;
- b. specify any activities, including discussions, negotiations and decisions, in which the University Member making the disclosure may not participate;
- c. specify any positions which the University Member making the disclosure may not occupy (whether temporarily or permanently); and
- d. be designed to protect the integrity of the research and the reputation of the University Member(s), their research group(s) and the University.

The Head of Department should record in writing the course of action agreed with the University Member to be undertaken to ensure the Conflict of Interest is properly managed or avoided, signed by both the Head of Department and the University Member, and forward this to their HR representative for filing on the University Member's personal file and for inclusion in the Register of Interests (see the University's Register of External Interests and Annual Declaration Policy). It is the responsibility of the affected University Member to comply with the course of action agreed with their Head of Department.

5 Referral and Questions

5.1 Where the Head of Department (or other relevant person under section 4.4):

- a. judges that further consideration is needed; or
- b. is unable to agree with the University Member what steps should be taken to manage the Conflict of Interest; or
- c. is unable to agree with the University Member which of their interests should be given up to avoid the Conflict of Interest; or
- d. believes that it is in the University's interests to make an exception and allow a Conflict of Interest that would fall within the situations set out above at sections 4.7 and 4.8;

they should refer the matter to the Director of Compliance, Governance and Risk to ask the Compliance and Governance Advisory Group, if necessary, to act as a Conflict of Interest Committee:

- a. to provide advice to the Head of Department in making their decision; and/or
- b. to make a final determination (after having issued a draft decision and considered any representations submitted by the University Member) on whether and how the Conflict of Interest will be managed.

The Compliance and Governance Advisory Group, acting as a Conflict of Interest Committee, may at any time request information and involve themselves in the above

procedure, and the Head of Department may at any time seek the advice of the Advisory Group by contacting its Secretary, the Director of Compliance, Governance and Risk.

5.2 Public declaration of external Interests

Where a University Member whose Interest(s) actually, potentially, or might be perceived to impact upon the objectivity of any academic presentation or publication in which the University Member is involved, they must ensure that the presentation or publication is accompanied by a public declaration of the relevant Interest.

6 External funding

University Members must refer to and comply with all relevant external research funding bodies' policies pertaining to conflicts of interests and external interests, such as CRUK's Conflict of Interest Policy for Investigators participating in CR-UK sponsored (DDO) clinical trials, the Wellcome Trust's Policy on relationships between Trust-funded researchers and commercial organisations, and the NIH's Financial Conflict of Interest policy. Should there be a conflict between this policy and the policies of external research funding bodies, the external policy obligations do not negate those contained here. However, to the extent that the policies of external research funding bodies contain additional requirements, beyond what is required by this Policy, those additional requirements shall be complied with in full.

7 Compliance and Access

7.1 Once a decision has been recorded, a copy will be kept on the University Member's personal file in accordance with the Data Protection Act (2018). DVCs, PVCs, the Director of HR and the Registrar will be responsible for ensuring and maintaining compliance, along with instructing University Members in their areas to make an annual declaration of Interests in order to confirm and update records.

7.2 Access to the Register of Interests is restricted to those who require it to fulfil their University responsibilities. The Chairman of Council, the Vice Chancellor, the Registrar, DVCs and PVCs, the Director of HR and the Director of the Research reserve the right to access the information and may make specific further delegations in writing. The Auditors reserve the right to access the information and Heads of Departments/Divisions have the right of access to the section of the Register of Interests dealing with University Members in their own College/Department. Other requests for access require authorisation by the Director of HR and information held on an individual may not be disclosed to any third party, other than those identified above, without the written permission of that individual. Under the provisions of the Data Protection Act (2018) individuals have the right to a copy of the data held on them by the University by application to the University Data Protection Officer.

8 Failure to disclose

Failure to seek approval for and/or disclose complete and accurate information on Interests, or to appropriately manage a Conflict of Interest as agreed may constitute misconduct and result in disciplinary action being taken by the University.

9 Review of Policy and Register

The Conflict of Interest Policy will be reviewed and the Register will be audited for accuracy and completeness on an annual basis by the Compliance, Governance and Risk Advisory Group.

10 Linked policies

10.1 The University has a number of related ordinances, policies and procedures already in place, which should be considered in conjunction with this Policy. These include:

- a. The University's Ordinances;
- b. The University's Financial Regulations;
- c. Good Practice in the Conduct of Research (incorporating Guidance on the reporting and investigation of misconduct in research);
- d. The University's Code of Conduct;
- e. Public interest disclosure policy;

- f. Anti-bribery policy statement for third parties performing services for or on behalf of the University;
 - g. Code of Professional Conduct: relations between staff and students/between staff;
 - h. The University's Ethics Policy; and
 - i. Post award of research projects financial management.
- 10.2 The University treats equality of opportunity seriously and has a dignity and respect framework that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this procedure must be clear and transparent and not subject to any unfair discriminatory practices.

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Appendix A

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 from what should be an opportunity for the University.
- ☐ You are a director of an external company holding shares in that company and engage the services of that company for University work, but fail to disclose your directorship and/or shareholding.
- ☐ You, your partner, spouse, near relative or friend, has a financial interest in an external enterprise engaged in activities closely related to your line of work or research at the University. 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 of 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 (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 a related body 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 or a Connected person receive or hold:-

a. royalties or licensing fees from the product/novel treatment under investigations;

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.

Staff Supervision and teaching:

- ☐ You have a close personal or familial relationship 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 place, 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 make non-trivial use of your PhD students for company work which may conflict with their research progress.

Other examples:

- ☐ You take part in negotiating a contract between the University and an external company, where you (either directly or via a Connected Person) have a financial or non-financial interest (e.g. equity or a directorship) in that company.

☐ 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.