



## **EXCERPT FROM A REPORT TO THE BOARD OF GOVERNORS**

**SUBJECT    UPDATE ON UNIVERSITY-WIDE CONFLICT OF INTEREST AND  
CONFLICT OF COMMITMENT POLICY**

**MEETING DATE    February 4, 2014**

### **EXECUTIVE SUMMARY**

In February of 2012, UBC's Board of Governors approved substantial revisions to UBC's Conflict of Interest and Conflict of Commitment Policy (#97). The policy was implemented immediately and an updated on-line conflict of interest and commitment declaration was launched in July 2012. UBC has been considered to be a national leader with its conflict of interest policy and procedures since 2005. A recent study of six Canadian research universities has confirmed UBC's continued leadership position.

### **REVIEW OF IMPLEMENTATION OF UNIVERSITY-WIDE CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT POLICY**

The Board of Governors adopted Policy #97 (Conflict of Interest and Conflict of Commitment) in September of 1992 and approved a complete overhaul in March of 2005. The 2005 overhaul was accompanied by the development of a ground-breaking conflict of interest management system that facilitated the automated submission, tracking, and approval of conflict disclosures. In February of 2012, the Board of Governors approved substantial updates to Policy #97, which triggered updates to the on-line conflict of interest management system. A brief summary of the Policy starts at the bottom of page 2.

Prior to 2005, employees were expected to complete paper-based forms on an annual basis. The actual rate of compliance with this disclosure requirement was extremely low and estimated to be well under 10%. When disclosures were made, there was no standardized process for reviewing them. It is believed that most disclosures were not reviewed at all. Finally, UBC had no ability to track disclosures or approvals. If audited by the Tri-Council or another agency, or even if forced to respond to a specific allegation of conflict, UBC had very little ability to determine whether a disclosure had been made by any given employee or how the disclosure had been handled.

The development of an integrated on-line disclosure and review system in 2005 addressed all of these issues. A brief description of the salient elements of this system starts on page 3. The greatly enhanced rigor provided by the new system of disclosure, review, and management for conflicts has resulted in compliance rates that are between five and ten times higher than what was the case previously. UBC wants compliance rates to exceed 75%. This goal was achieved in 2008 on an institution-wide basis and, since 2011, the institution-wide compliance rate has been over 80%, with every single Faculty being over 75%. A graph with supporting table showing institution-wide compliance rates from December of 2006 to December of 2013 is on page 5.

Policy #97 and the on-line disclosure system are complemented by an active awareness/education program as well as by a Conflict of Interest Committee. The information program consists of (1) guidance notes on the web site of the Office of the University Counsel; (2) pop-up information windows built into the on-line disclosure system; (3) in-person information/training sessions delivered by staff from the Office of the University Counsel; (4) individual advice to Deans and Department Heads on fact-specific situations. The Conflict of Interest Committee is composed of senior faculty members and senior staff and conducts random audits of 1% of all disclosures. With advice from Internal Audit, the Committee's audit process has evolved over the past five years. In 2008, audits were conducted on a random sample of 1% of all disclosures that required review/approval by the Department Head or Dean. This essentially amounted to a review of the assessments of the disclosures that were being made by the Department Heads and Deans. In 2011, the distribution of the audit sample was refined to ensure that the sampled disclosures were drawn proportionately from each Faculty. In 2013, the audit was expanded so that 1% of all disclosures, whether or not they had initially been approved by the Department Head or Dean, would be reviewed each year. As a result, both the information being disclosed by the faculty members and the assessments of the Department Heads or Deans are being reviewed by the Committee.

UBC's major design goals for this integrated system have been (1) to comply with all applicable requirements and incorporated recommended best practices from the major granting agencies; (2) to greatly streamline the process for administering conflicts; (3) to address historically low levels of compliance; and (4) to ensure that conflict disclosures are treated with rigor in a system that could be properly audited.

All of these goals have been met and UBC has been considered to be a national leader in this area since 2005. A study of Canadian research universities commissioned by Mount Royal University in 2013 has confirmed UBC's continued leadership position, citing various elements of UBC's system as example of best practices. If you would like a copy of this study, please see contact details on page 4. UBC's success is serving as a model for other Canadian universities and requests are regularly received from other universities for information about our conflict of interest management system and for permission to copy our work.

Anecdotal reports confirm the positive picture on compliance. Department Heads and their administrative assistants have commented that the on-line reporting system has opened positive lines of communication and clarified past confusion regarding conflict of interest and conflict of commitment. Indeed, it is now seen as sufficiently desirable system that a number of units, whose staff are not compelled by Policy #97 to make annual disclosures, have nonetheless elected to implement departmental requirements that all their staff use submit annual disclosures.

The system continues to be the subject of ongoing review and improvements.

This review of the implementation of Policy #97 coincides with the anniversary of the approval of amendments that were approved by the Board of Governors in February of 2012. This is not a regular report and no further report will be submitted unless there are material developments that warrant the attention of the Board of Governors.

### **Summary of Conflict of Interest and Conflict of Commitment Policy #97**

The Policy establishes the general requirement that conflicts be recognized and disclosed by all UBC employees as well as anyone conducting research under the auspices of UBC and provides guidance on how to recognize such conflicts and the process for making disclosures. The Policy establishes the role of reviewers (who are normally department heads). The Policy addresses both conflicts of commitment (concerned with effect on work performance) and conflicts of interest (concerned with the clash of legal duties). In the case of conflicts of commitment, the reviewer may approve the disclosed activity if the reviewer believes that it does not actually interfere with the employee's obligations to UBC or if the reviewer believes that the benefit of the activity to UBC is sufficient to outweigh the interference. In the case of conflicts of interest, the reviewer may (1) approve the disclosed activity; (2) require that the activity only proceed if a management protocol is put into place; or (3) determine that the activity cannot be adequately managed and therefore should not proceed at all.

Finally, the Policy provides for a Conflict of Interest Committee, which serves a threefold mission: (1) to act as the final avenue of appeal for employees who disagree with the assessment of their reviewer on conflicts of interest; (2) to randomly audit disclosures and the implementation of conflict management protocols; and (3) to educate employees on conflicts and the application of the Policy.

### **Description of On-Line Disclosure and Review System (the RISE database)**

In 2005, an on-line system for conflict disclosure and management was developed and integrated into the system already being used by researchers to prepare ethics applications, obtain departmental sign-off, and request all applicable approvals. In 2008, the grant application and management process was also integrated with the system. In 2012, the system was updated to further simplify and streamline the experience, both for faculty members who were submitting disclosures and for Department Heads and Deans who were reviewing disclosures.

The system is adaptive and only asks for information from researchers that it needs. If researchers disclose issues of concern, then and only then will the system ask for additional information about those issues. If a researcher has no new matters to disclose, the researcher can simply re-file a previous disclosure. This enhances ease of use and encourages a higher level of voluntary compliance.

The system is capable of granting instantaneous approvals for disclosures without human intervention if the disclosure does not indicate any areas of concern. This allows human reviewers to focus only on those disclosures that require the exercise of discretion and judgment. This enhances both the speed with which approval can be granted in routine cases and the quality of decision-making in cases where judgment and consideration is required.

The system tracks the status of disclosures and approvals for all researchers and automatically sends reminders to researchers to make disclosures at the appropriate time in order to comply with externally mandated disclosure intervals. The system also allows researchers to see whether their disclosures have been approved. Notices are also automatically e-mailed to reviewers when there are disclosures that require their attention. Simple approvals and denials can be handled as a one-click process for reviewers, with only the more complicated situations that involve management protocols requiring more effort.

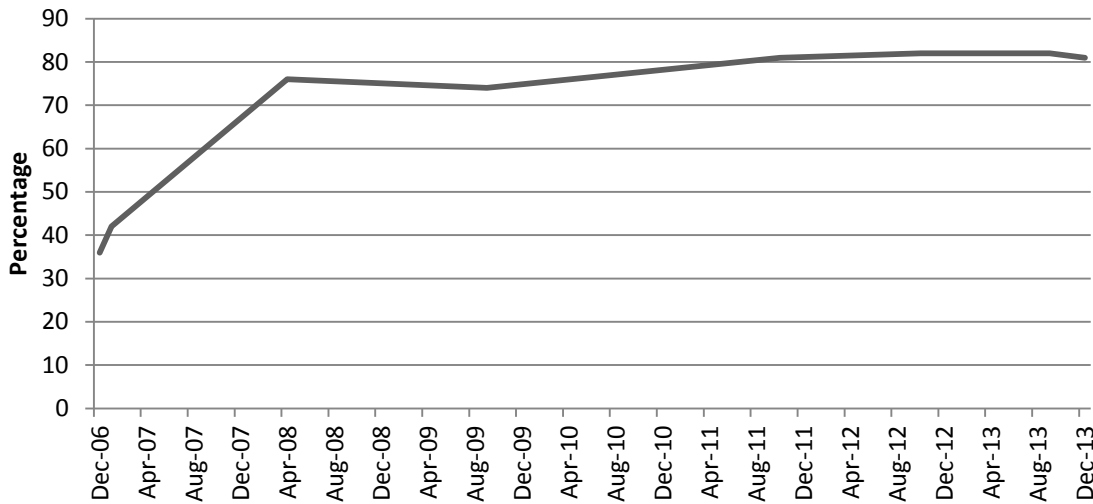
Where disclosures have not been made within the required periods or where reviewers have not completed their assessment of disclosures in a timely manner, reminders are automatically sent by e-mail and reports may be generated to highlight these cases for intervention by the Dean or other responsible individual.

The system enables central review of all disclosures so that the Conflict of Interest Committee can conduct its audits and so that compliance information can be generated for individual cases or on a collective basis. This is valuable for demonstrating to the granting agencies and to the public that we have effective conflict management systems. This is also valuable when allegations are made about specific researchers, as it enables the institution to immediately review what was disclosed by that researcher and what approvals were or were not given in that case. This access is, however, strictly controlled to protect the confidentiality of disclosures and to ensure that only those individuals with a legitimate need to access information have the ability to do so.

By 2012, compliance rates were sufficient to support the linking of conflict compliance to human ethics approvals. This has proven to be very helpful in further regularizing compliance institutionally.

For more information on any of the above, please contact Christine Hjørleifson, Conflict of Interest Administrator, [christine.hjorleifson@ubc.ca](mailto:christine.hjorleifson@ubc.ca) or 604-822-8623.

## Compliance Rates for Conflict of Interest Declarations completed in RISE Database



Compliance Rates for Conflict of Interest Declarations completed in UBC's RISE Database, 2006 to December 2013

Date	University-wide Compliance Rate
December 2006	36%
January 2007	42%
April 2008	76%
September 2009	74%
October 2011	81%
October 2012	82%
January 2013	82%
September 2013	82%
December 2013	81%

2006-2007 – UBC rolls out conflict of interest declarations in the RISE database to be completed by all faculty members.

June 2010 - Conflict of interest declarations tied to release of grant funding in RISE database. Change in how compliance rates calculated; new calculations more conservative.

July 2012 - Conflict of interest declarations tied to human ethics applications in RISE database.