



## Conflict of Interest Advisory Note

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### Teaching a Course in Which a Related Party Is Enrolled

#### Background

The University is committed to ensuring that all students at UBC benefit from a consistently high standard of academic integrity and rigour. It is therefore essential that all UBC Persons<sup>1</sup> with teaching responsibilities avoid situations in which their personal relationships could either compromise or be perceived to compromise the academic integrity of a course.

For a variety of reasons, a person with whom a course instructor has a personal relationship may wish to enroll in a course taught by that instructor. This could include a child or other family member, a person with whom the instructor has a close personal or romantic relationship, or a professional or business associate (hereafter referred to as a **“Related Party”**)<sup>2</sup>. When an instructor’s Related Party enrolls in a course taught by the instructor, two major areas concerns will arise: 1) a perception of diminished objectivity and fairness in the academic assessment practices of the course, the faculty and UBC as a whole, and 2) a negatively impacted classroom experience for other students in the course. Accordingly, instructors be fully transparent with respect to the presence of a Related Party in a course and must ensure that the resulting concerns are managed subject to the terms of an appropriate conflict of interest management plan.

#### UBC Policy and Procedures

UBC’s Conflict of Interest Policy (Policy SC3 or the **“COI Policy”**) charges all UBC persons with proactively disclosing any circumstances that could give rise to an actual or apparent conflict of interest. If in any doubt as to whether a situation would, from the perspective of a reasonably well-informed, impartial observer, appear to be a conflict of interest, the UBC Person must seek guidance from their Initial Reviewer (**“Reviewer”**), typically the person’s immediate supervisor or Administrative Head of Unit. When a UBC Person wishes to engage in an activity that may give rise to a conflict of interest, the activity must be disclosed and authorized in advance by the appropriate Reviewer (COI Policy Sections 2.5 and 4.3).

The COI Policy Procedures state that a Conflict of Interest exists in the following circumstances:

- Where a UBC Person’s responsibility to instruct and evaluate students in a fair, unbiased and effective manner is or could be impeded or compromised. The inherent power imbalance that exists between a UBC Person and a student must not be used for personal benefit (Section 3.1.1).
- Where personal considerations compromise a Faculty Member’s professional judgment in conducting or reporting research, teaching, or carrying out administrative activities (Section 3.1.12).

Upon becoming aware that their Related Party intends to enroll in the course, the instructor must disclose all relevant circumstances and seek direction from the appropriate Reviewer. While disclosure should always be provided well in advance of the course start date, situations may arise in which prior disclosure is not possible. When prior

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<sup>1</sup> **“UBC Person”** means full-time and part-time Faculty Members, staff members and students of the University, and any other person who teaches, conducts research, or works at or under the auspices of the University.

<sup>2</sup> **“Related Party”** means, for the purposes of this Advisory Note, any person with whom the UBC Person has a relationship that might reasonably be perceived as creating a Conflict of Interest. See: Policy SC3 Section 8.12.

disclosure is not possible, the instructor must nonetheless provide disclosure at the earliest possible opportunity. Failure to provide timely disclosure may lead to significant negative consequences for both the instructor and the student, as well as other students in the course.

Once the circumstances have been disclosed, the Reviewer will then determine what steps must be undertaken to manage the conflict of interest (COI Policy Section 6 and COI Policy Procedures Section 4). In cases where the Reviewer is not the Head of the Department in which the course is offered, the Reviewer will require the instructor to work with the concerned Department Head to manage the conflict. For more information on the process of reviewing a situation that may constitute a conflict of interest, please see Advisory Note: Reviewing a Conflict of Interest Disclosure.

In cases where the conflict is determined to be manageable and is approved subject to an appropriate management plan, the instructor should be required by their Reviewer to adopt a management plan which takes into account the considerations set out below. For further information on management plans please see Advisory Note: Managing a Conflict of Interest.

## Management Plan Considerations

1. As early as reasonably possible, all relevant parties should be notified of the presence of the Related Party in the course. At a minimum, this notification should be provided to the instructor's own Reviewer as described above as well as the Head of the Department in which the course is offered (if not the same person). In addition, it may be necessary to inform other individuals associated with the course such as co-instructors, teaching assistants, markers, and so on.
2. The instructor should be required to implement a protocol for grading accommodation based on the evaluation needs of the course. This protocol could potentially take several different forms, depending on the structure of the course, the nature of the assessed coursework and the grading resources available. Broadly speaking, there are three basic scenarios which may arise:
  - a. The course has an alternate grader. This could potentially be a co-instructor, a teaching assistant, a graduate or undergraduate marker, or other qualified person who is involved in the course. The alternate grader should be a neutral party who may act without undue influence from the conflicted instructor (i.e. not a graduate student supervised by the instructor). At a minimum, the alternate grader should be assigned responsibility for all grading tasks in relation to the Related Party. The alternate grader should perform these tasks independently and without active input from the conflicted instructor (i.e. the marker may rely on the instructor's rubrics, etc.). To promote consistent grading across the entire course, it may be desirable in some cases for the alternate grader(s) to take responsibility for grading all students in the course. Coursework submitted by the Related Party should be submitted to the alternate grader either directly or via a neutral third party such as a departmental assistant.
  - b. The course does not have an alternate grader. In this case, the Department Head may consider appointing another qualified faculty member to grade work submitted by the Related Party and oversee other aspects of the student's participation in the course. The appointed faculty member may be directed to grade the student's work on the basis of rubrics prepared by the conflicted instructor, albeit without any direct input from or communication with the instructor.
  - c. An alternate grader is not possible. For courses involving a highly specialized area of expertise, it may not be possible to assign a viable alternate grader. When there is no viable alternate to the instructor grading their own Related Party, it is recommended that either the Department Head or a suitable delegate provide grading oversight in whatever fashion best accords with the circumstances.
3. Should the Related Party wish to challenge a grade assessed by an alternate grader or external faculty member, it is essential that there be no recourse to the conflicted instructor. The conflicted instructor should not

communicate with the Related Party regarding grading issues and should not attempt to intervene in a grading-related dispute. In this case, the Related Party may apply for a Review of Assigned Standing in which the grade will be reviewed by a neutral third party selected by the Department Head.

4. To the extent possible, it is recommended that the course adopt a blind grading procedure for all students, with exams, papers and other assessed material anonymized prior to grading. This procedure is particularly important when it is not possible to appoint an alternate grader as described above.
5. The presence of the Related Party in the course may lead to concerns from other students or others associated with the course (e.g. co-instructors, teaching assistants, etc.) that the academic experience is being negatively affected by the situation. For this reason, it is recommended that an appropriate individual be appointed in advance to respond to such concerns and complaints. An appropriate individual for this purpose could be the Department Head, an arm's length faculty member, or other person deemed suitable by the Department Head. All relevant parties should be informed in advance that concerns and complaints may be directed to this individual.

## **Additional Assistance**

The Office of the University Counsel is the primary source of advisory support for any matter arising under the COI Policy. For additional assistance, including assistance with any matter not addressed by this Advisory Note, please contact us:

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