



## Conflict of Interest Advisory Note

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### Conflict of Commitment (Faculty Members)

#### Background

The University respects the autonomy of its faculty members and their prerogative to spend personal time in the manner they see fit. At the same time, however, faculty members are expected to ensure that their personal affairs do not inappropriately interfere with the performance of their duties to UBC, including the duty to ensure that UBC work is done reliably, consistently and effectively. When a UBC faculty member's non-UBC commitments are substantial and demanding such that the person's UBC responsibilities could be negatively impacted, the resulting situation is known as a conflict of commitment. Any faculty member who experiences or may experience a conflict of commitment has a duty to transparently disclose the circumstances and take whatever steps may be necessary to ensure that their UBC responsibilities are not adversely affected.

#### UBC Policy and Procedures

UBC's Conflict of Interest Policy (Policy SC3 or the "**COI Policy**") charges all faculty members with proactively disclosing and obtaining prior authorization of any activity that may give rise to a conflict of commitment (COI Policy Section 3.1). The standard for assessing whether an activity may give rise to a conflict of commitment is that of a reasonably well-informed, impartial observer. If in any doubt as to whether an activity may give rise to a conflict of commitment, the faculty member must seek guidance from their Initial Reviewer ("**Reviewer**"), typically a Department or Division Head, prior to engaging in the activity. Should the Reviewer decline to authorize the activity, the faculty member must not proceed with the proposed activity (COI Policy 5.2).

Conflicts of commitment arise as a result of Non-University Activities, meaning activities outside a UBC Person's scope of work with the University, which are substantial and demanding of the person's time and attention and adversely affect the discharge of the person's responsibilities to the university (COI Policy 2.1). A conflict of commitment thus has two elements: 1) a Non-University Activity which is substantial and demanding, and 2) an adverse impact on a person's responsibilities to UBC.

While the term "Non-University Activities" is defined broadly, it refers in practice to activities which involve a definite set of commitments or obligations. Non-University Activities often take the form of professional engagements such as the operation of a business, consulting practice or other forms of contract work. A Non-University Activity which involves the same specialized set of skills and knowledge that a faculty member utilizes in their UBC work is referred to as an Outside Professional Activity ("**OPA**"). Other examples of OPAs include:

- Non-UBC employment such as an academic appointment at another institution.
- Service as an officer, director, or advisory board member of an external organization.
- Volunteer roles which involve a regular commitment of time or other responsibilities.

The COI Policy permits full-time faculty members to devote a maximum of 52 days per year, including evenings, weekends and vacations, to their OPAs (COI Policy 3.2.1). Any faculty member who expects to exceed this threshold, or who expects to be away from campus for more than 30 consecutive days as a result of OPAs, must disclose the activity and obtain prior authorization from their Dean (COI Policy 3.2).

In addition to OPAs, faculty members may also engage in Non-University Activities which do not utilize their specialized skills and knowledge. While such activities are not subject to the time constraints described in the previous paragraph, they may still lead to conflicts of commitment in some circumstances. Faculty members should be careful to disclose such activities whenever the possibility of an adverse impact on their UBC responsibilities is present.

Determining whether a Non-University Activity may adversely impact a person's UBC responsibilities is often a highly context-specific exercise. In the process of making this determination, Reviewers should take into consideration the following factors:

- a) the nature of the person's UBC role and responsibilities (e.g. full-time vs part-time, teaching vs non-teaching, etc.);
- b) the operational needs of the unit;
- c) the degree to which the anticipated time commitment is flexible and predictable, as opposed to rigid and unpredictable;
- d) whether the activity is anticipated to take place during the person's normal UBC work hours.

Once a Reviewer has determined that a disclosed activity gives rise to a conflict of commitment, the Reviewer shall then exercise their own discretion in determining whether the activity may nonetheless be approved and subject to what if any conditions. The COI Policy directs Reviewers to weigh the impact of the activity on the faculty member's ability to fulfill their obligations to UBC against the benefits, if any, that the activity may contribute to UBC (COI Policy 5.1). Reviewers may also find it useful to establish a clear set of guidelines which reflect the individual circumstances of their Faculties and Departments. Guidelines for conflicts of commitment may, for example, provide for streamlined disclosure and approval procedures, or establish conditional pre-approvals for certain types of activities (COI Policy 6.1).

Faculty members who do not agree with a decision made by a Reviewer regarding a conflict of commitment may appeal the decision to the person immediately superior to the Reviewer in the Faculty reporting structure (COI Policy Procedures 5.3). This will typically be either a Dean, or an Associate Dean to whom the Dean has delegated responsibility for issues concerning the COI Policy.

## **Mitigating a Conflict of Commitment**

1. The faculty member and their Reviewer should, in advance of the activity commencing, come to a shared understanding of the anticipated time commitment, including any foreseeable impacts on the faculty member's ability to fulfill their UBC responsibilities. In particular, the faculty member should provide a specific breakdown of the anticipated number of hours per week, month or year, as well as an approximate schedule of when the activity will take place.
2. Faculty members are responsible for keeping their Reviewers informed of any material changes to the information discussed in Point 1 above. Failing to notify a Reviewer of such changes is equivalent to failing to disclose the activity.
3. When an activity may impinge upon the faculty member's performance of specific UBC responsibilities, the Reviewer should require the staff member to implement any steps which may be necessary to mitigate the risk of UBC work being adversely impacted. Potential mitigations could include:
  - a) rescheduling the activity to avoid impacting UBC responsibilities;
  - b) adjusting the person's UBC work schedule to accommodate the activity;
  - c) otherwise modifying the person's responsibilities.
4. Special care should be taken by UBC faculty members who hold academic appointments at other institutions. For full-time UBC faculty members, short-term external appointments may require in some circumstances that

the person take a leave of absence from UBC, whereas an ongoing external appointment may require a reduction in the person's UBC appointment to less than full-time. In all cases it is imperative that their UBC Reviewer be provided an accurate understanding of the faculty member's responsibilities to the other institution.

## **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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