



## Conflict of Interest Advisory Note

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### Conflict of Commitment (Staff Members)

#### Background

The University respects the autonomy of its staff members and their prerogative to spend personal time in the manner they see fit. At the same time, staff 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 staff 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 staff 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 staff 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). If in any doubt as to whether an activity may or may not give rise to a conflict of commitment, the staff member must seek guidance from their Initial Reviewer ("**Reviewer**"), typically the person's immediate supervisor, prior to engaging in the activity. Should the Reviewer decline to authorize the activity, the staff 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 staff member utilizes in their UBC work is referred to as an Outside Professional Activity ("**OPA**"). Other examples of OPAs include:

- Educational activities, such as enrolling in an academic program at UBC or 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.
- Non-UBC employment.

In general, determining whether a Non-University Activity may adversely impact a person's UBC responsibilities and thus rise to the level of a conflict of commitment is a highly context-specific exercise. In making this determination, Reviewers should take into consideration any circumstances which may reasonably be deemed relevant. The following is an illustrative list of the type of circumstances which Reviewers should take into consideration:

- a) the nature of the person's UBC role and responsibilities (e.g. full-time vs part-time, on-call vs conventional shift work, 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/or unpredictable;
- d) the degree to which the timing and nature of the activity is likely to cause the person to be unavailable when expected to perform UBC responsibilities.

These factors notwithstanding, Section 2.1 of the COI Policy Procedures provides examples of three specific activities which give rise to a conflict of commitment *ipso facto*:

- engaging in Non-University Activities during one's normal work hours at the University;
- enrolling in a degree or diploma program at UBC or any other educational institution, if employed by UBC full-time;
- the use of UBC resources for Non-University Activities.

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 staff 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 set of general guidelines and expectations which reflect the individual circumstances of their organizations. 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).

## Mitigating a Conflict of Commitment

1. The staff 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 staff member's ability to fulfill their UBC responsibilities. In particular, the staff 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. Staff 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 staff 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. This is particularly important for staff members who wish to engage in Non-University Activities during their normal UBC business hours. 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 (e.g. by requiring the person to make up lost time);
  - c. otherwise modifying the person's responsibilities.

## **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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