



## Conflict of Interest Advisory Note

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### Evaluating a Graduate Student with a Related Party

#### Background

In the context of graduate student supervision, “**Evaluation**” refers to participation in any capacity in the evaluation of a graduate student. This includes evaluating applications for admission as a graduate student, applications for nominations, fellowships or awards, and employment matters (such as applications for Teaching or Research Assistantships). It also includes supervising graduate students, serving on a supervisory committee or examining committee, and evaluating comprehensive examinations.

UBC Persons<sup>1</sup> who participate in the Evaluation of graduate students play a critical role in the success of UBC’s academic mission. The University is committed to ensuring that all students benefit from an Evaluation process consistent with the highest ethical standards. It is particularly essential that UBC Persons avoid situations in which an Evaluation could be compromised or be perceived to be compromised by a personal relationship. When a UBC Person takes part in an evaluation together with a person with whom he or she has a close personal relationship, such as a close friend, business associate, family member or romantic partner (a “**Related Party**”)<sup>2</sup>, it will often be difficult to avoid a perception of diminished objectivity and fairness in the evaluation. Accordingly, UBC Persons should do everything reasonably possible to ensure that they do not participate together in an Evaluation with a Related Party except in cases of demonstrable academic necessity, and subject to the terms of an appropriate conflict of interest management plan.

#### UBC Policy and Procedure

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 his or her Initial Reviewer (“**Reviewer**”), which in the case of a faculty member is typically a Division or Department Head. 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).

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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.

No UBC Person may enter into an Evaluation arrangement together with his or her Related Party without first disclosing the proposed arrangement and seeking prior authorization from the appropriate Reviewer, typically the concerned Head of Department. Pursuant to Section 6 of the COI Policy and Section 4 of the COI Policy Procedures, the Reviewer will then make a determination that:

- 1) The conflict of interest is unmanageable and the proposed arrangement is disallowed; or
- 2) The conflict of interest is manageable and the proposed arrangement is approved subject to an appropriate management plan.

For more information on the process of reviewing a situation that may constitute a conflict of interest, including the factors that should be taken into consideration in determining whether a conflict of interest is manageable or unmanageable, 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 faculty member should be required 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 advised of the circumstances pertaining to the conflict of interest. At a minimum, the conflicted UBC Person should inform the graduate student and the appropriate Graduate Advisor about the participation of his or her Related Party in the Evaluation, the nature of the personal relationship, and the details of the conflict of interest management plan. It should not be assumed that anyone will be aware of the circumstances as a matter of course.
2. All committees for that graduate student should be expanded by one member and all committee members should be fully informed of the matters described in Point 1.
3. All committee members should be advised to contact the appropriate Department Head if they have any reason to think that the personal relationship may be having an inappropriate impact on the graduate student.
4. In any matter that is decided on the basis of a vote of the committee, the committee should adopt a rule to ensure that the participation of the Related Party is managed appropriately. For example, consider implementing one of the two following alternatives:
  - a. when members of the committee vote on a matter, either the conflicted UBC Person or their Related Party shall recuse themselves from participating in the vote; or
  - b. when the conflicted UBC Person and the Related Party vote on the same side of a given issue, only a single vote shall be counted between them; when they vote on opposite sides, both votes are counted.
5. In the case of co-supervision with a Related Party, a suitable person should be selected to act in an Ombuds role for the duration of the conflict of interest. Suitable persons may include the relevant Department Head or an arm's length peer. Everyone involved (graduate student, committee members, Graduate Advisor) should be advised of who to contact should they have any concerns that the relationship is inappropriately impacting the student.
6. An updated Conflict of Interest declaration containing all relevant information should be submitted in RISE. This updated declaration should document all steps taken to manage the conflict of interest.

## **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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