



Conflict of Interest Advisory Note

Managing a Conflict of Interest

Background

It is important to recognize that a conflict of interest is not, in and of itself, a form of wrongdoing. The mere existence of a conflict of interest should not be taken to imply unethical conduct on the part of anyone. In many cases, conflicts of interest are a natural consequence of the University's success in achieving its core academic mission, and the University accordingly does not expect UBC Persons¹ to refrain from any and all activities that could give rise to a conflict of interest. What the University requires is that UBC Persons transparently disclose their activities and take direction from their Initial Reviewer ("**Reviewer**") as to whether a given activity is permissible, and if so, subject to what conditions.

While the existence of a conflict of interest does not necessarily entail wrongdoing, unmanaged or improperly managed conflicts entail risk that wrongdoing may take place or may be perceived to take place. UBC Persons are therefore expected to take clear, documented measures to manage the risks arising from their activities, and those with responsibility for reviewing conflict of interest disclosures are expected to play an active role in setting expectations with respect to the management of conflicts within their units.

UBC Policy and Procedures

Within the framework of UBC's Conflict of Interest Policy (Policy SC3 or the "**COI Policy**"), Reviewers have an obligation to distinguish between actual and perceived conflicts of interest which are manageable, and those which are unmanageable (for more information about the review process, see: [Advisory Note: Reviewing a Conflict of Interest Disclosure](#)). When a conflict is determined to be manageable, the Reviewer will work with the UBC Person to develop and implement a protocol to govern the person's participation in the activity at issue (COI Policy Section 6.3). The resulting protocol is referred to as a conflict of interest management plan.

A conflict of interest management plan is a written set of rules or guidelines governing a UBC Person's participation in an activity deemed to constitute an actual or perceived conflict of interest. When a Reviewer's decision to authorize an activity is conditioned upon the adoption of an appropriate management plan, the UBC Person proposing to engage in the activity must only do so in compliance with the terms of the management plan. Failure to comply with the terms of a management plan is a breach of the COI Policy.

Management plans should be brought forward for review at appropriate intervals, with review taking place at least annually. The purpose of reviewing a management plan is to ensure that it remains up-to-date and effective in managing all foreseeable risks. Management plans are generally reviewed in tandem with the UBC Person's annual conflict of interest disclosure. In the case of UBC Persons who do not submit annual conflict of interest disclosures, care should be taken by the Reviewer to ensure that the management plan is reviewed at least annually.

The specific form and content of a management plan will vary considerably with the circumstances. The COI Policy is not prescriptive in this regard, leaving Reviewers an appropriate degree of discretion in setting the terms of an

¹ "**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.

acceptable management plan in any given situation. While Reviewers are encouraged to work collaboratively towards the development of management plans, it is for Reviewers alone to determine how any specific activity must be managed. Once a Reviewer has issued a decision pertaining to the adoption of a management plan, the Reviewer's decision may be subject to appeal following the process set out in Advisory Note: Reviewing a Disclosure.

Management Plans: Form and Content

A conflict of interest management plan should in all cases take the form of a written document. An oral discussion is insufficient, as it is essential to maintain an objectively verifiable record of the management plan and its terms. For UBC Persons who are required to submit annual conflict of interest declarations, it will generally be convenient for the terms of the management plan be included in the text of the declaration form itself. In some cases, UBC Persons may take it upon themselves to proactively set out a management plan in conjunction with their initial disclosure of an activity. In other cases, the UBC Person may be required by his or her Reviewer to update a declaration or to file a supplementary declaration detailing the management plan.

In complex cases requiring an extensive management plan, it will often be advisable to prepare a standalone management plan document which can be subsequently appended to the UBC Person's conflict of interest declaration where appropriate. Reviewers are encouraged to contact the University Counsel's Office for advice and drafting assistance in such cases.

With respect to content, Reviewers should strive to ensure that all management plans are clear, concise and concrete. Vague or ambiguous language should be avoided as the management plan should leave no uncertainty as to what the UBC Person is required to do or refrain from doing. While maintaining an appropriate level of detail and specificity, a good management plan is also sufficiently broad to address all reasonably foreseeable risks that may arise as a result of the conflict of interest.

Most importantly, it is essential that management plans be realistic and credible. The appropriate standard to judge whether a management plan is realistic and credible is that of a reasonably well-informed, impartial observer. A management plan should not include provisions which, in the eyes of such an observer, the UBC Person cannot realistically adhere to. Nor should a Reviewer commit to engage in monitoring, supervision, or other undertakings when he or she cannot do so in a credible, believable manner. Management plans that lack an air of reality contribute nothing to protecting the University's interests and will be unable to withstand public scrutiny should a serious incident occur.

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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