



Conflict of Interest Advisory Note

Reviewing a Conflict of Interest Disclosure

Background

Reviewing disclosures of potential conflicts of interest is an important element of leadership at UBC. Initial Reviewers¹ (“**Reviewers**”) are responsible for ensuring that disclosed conflicts of interest are appropriately assessed and managed in accordance with UBC policy. When a Reviewer becomes aware of a conflict of interest and fails to take prudent steps to protect the University’s interests, negative consequences may result not only for UBC, but also for the unit and the individuals concerned.

Reviewers are expected to perform their duties in a manner consistent with the high standard to which those in positions of leadership at UBC are held. Prior to reviewing a disclosure, Reviewers should familiarize themselves with relevant UBC policy, procedures, norms and expectations. The review process must be guided by relevant considerations, leading to decisions which are reasonable, defensible, and in keeping with the University’s fundamental academic mission and values of integrity and public stewardship. In circumstances where a Reviewer’s impartiality could reasonably be called into question, the Reviewer must immediately be recused from the role. When a Reviewer is unable to adequately assess a disclosure and reach an appropriate decision, he or she has an obligation to reach out for assistance.

UBC Policy and the Review Process

UBC’s Conflict of Interest Policy (Policy SC3 or the “**COI Policy**”) charges all UBC Persons² 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 Reviewer. 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. Where prior disclosure is impossible, disclosure must be made as soon as possible after commencement of the activity (COI Policy Sections 2.5 and 4.3).

When a UBC Person discloses an activity that may give rise to a conflict of interest, the initial task of the Reviewer is to determine whether the activity does or does not give rise to an actual or perceived conflict of interest. In determining whether a conflict of interest is present in any given situation, Reviewers are encouraged to consult Section 3 of the COI Policy Procedures (“Recognizing Conflicts of Interest and Perceived Conflicts of Interest”) for an illustrative, non-exhaustive list of situations that give rise to a conflict of interest.

When a Reviewer determines that a disclosed activity gives rise to an actual or perceived conflict of interest, the Reviewer must then determine whether to authorize the activity, and under what if any conditions the activity may be authorized. The Reviewer may determine that: a) the activity is authorized as disclosed with no further action; b)

¹ “Initial Reviewer” means the individual responsible for initially reviewing a UBC Person’s disclosures of conflicts of interest and perceived conflicts of commitment. This is typically the Administrative Head of Unit in which the UBC Person holds their primary appointment.

² “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.

the activity is authorized subject to an appropriate conflict of interest management plan; or c) the activity is not authorized (COI Policy Section 6).

Without limiting the discretion of the Reviewer assessing a disclosure to consider all relevant factors, Section 4.2 of the COI Policy Procedures requires in all cases that Reviewers take the following factors into account:

- the impact of the activity on the UBC Person's ability to satisfy his or her obligations to the University;
- the degree to which the proposed activity will be detrimental to the interests of the University, or in the research context, the degree to which it may compromise an investigator's professional judgment in conducting or reporting research; and
- the extent to which the proposed activity may be managed through an appropriate conflict of interest management plan.

In addition to the foregoing factors, Reviewers may also take into consideration other factors which may reasonably be deemed relevant. Such factors might include:

- relevant disciplinary and/or organizational norms and expectations;
- the extent to which the proposed activity may positively or negatively impact the operational needs of the unit; or
- whether the activity contributes to or benefits the University in such a way that warrants the interference.

When a Reviewer determines that an activity may be authorized subject to an appropriate conflict of interest management plan, the Reviewer must work with the UBC Person to develop and implement the management plan (COI Policy Section 6.3). Once a management plan has been developed and implemented, the UBC Person may engage in the proposed activity only so long as he or she remains compliant with the management plan. It is important that the management plan be reviewed at least annually to ensure that it remains up-to-date and effective in managing all foreseeable risks. For general information about developing management plans, see: [Advisory Note – Management Plans](#).

When a Reviewer feels unable to adequately assess a disclosure and come to a final determination, the Reviewer should refer the disclosure to the next level of review (COI Policy Procedures Section 4.3). In the case of an academic department, this will generally mean referring the disclosure to the appropriate Dean or Dean's delegate. In other cases, the disclosure should be referred to the Reviewer's immediate supervisor. Reviewers are also encouraged to contact the Office of the University Counsel for assistance at any time.

When a Reviewer Should be Recused from Reviewing a Disclosure

In any circumstances in which a Reviewer's impartiality may reasonably be called into question, the Reviewer must immediately recuse him or herself from the Review process (COI Policy Section 6.6). Recusal serves to avoid a situation in which the review process itself may be tainted by the presence of a conflict of interest on the part of the Reviewer. Specific situations calling for the recusal of a Reviewer will generally follow one of two patterns:

- 1) where the UBC Person whose disclosure is under review is a person with whom the Reviewer has a close personal relationship, such as a family member, romantic partner or business partner; or
- 2) where the Reviewer is personally involved in the actual or perceived conflict of interest under review.

In general, recusal may be accomplished by referring the disclosure for review by the appropriate Dean or Dean's Delegate in the case of an academic department, or in other cases by the Reviewer's own immediate supervisor. In units which have implemented an internal review process as described in the COI Policy Procedures, recusal may be accomplished by referring the disclosure for review via that process (COI Policy Procedures Section 5).

Decisions of a Reviewer are Subject to Appeal

UBC Persons may from time to time disagree with some aspect of a Reviewer's assessment of a disclosed activity. In most cases, a disagreement will relate to one or more of the following three issues:

- 1) whether a disclosed activity does or does not constitute a conflict of interest;
- 2) whether the conflict of interest is manageable or unmanageable;
- 3) whether the management plan, subject to which the Reviewer has determined that the conflict of interest must be managed, is reasonable.

While a Reviewer's decision is effective regardless of whether the UBC Person agrees with it or not, the COI Policy provides that any UBC Person who disagrees with a decision of his or her Reviewer may seek to appeal the decision (COI Policy Section 6.5).

In units which have implemented an internal appeal process pursuant to Section 5 of the COI Policy Procedures, an appeal must first be pursued following that process. Once a UBC Person has exhausted all available avenues of internal appeal, a final appeal may be submitted to the Conflict of Interest Committee (the "**Committee**") (COI Policy Section 7.1.2). In units where no internal appeal process has been implemented, UBC Persons may submit their initial appeal directly to the Committee, with the Committee's decision serving as the final disposition of the appeal.

Note that UBC Persons who wish to appeal a decision to the Committee should ensure that their appeal is submitted within 30 days of the conclusion of the internal appeal process, if any, or within 30 days of the Reviewer's final decision when no internal appeal process is available. The Committee may decline to hear an appeal submitted after more than 30 days for lack of timeliness. For more information about the Committee's appeal procedures, please see the Committee's [Terms of Reference Section 7 – Appeals](#).

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:

Office of the University Counsel

6328 Memorial Road
Vancouver, BC V6T1Z2
604 827 0769
conflict.of.interest@ubc.ca
universitycounsel.ubc.ca