

 <b>The University of British Columbia Board of Governors</b>	<b>Policy No.:</b>  <b>SC3</b>
<b>Long Title:</b>  Conflict of Interest and Conflict of Commitment	
<b>Short Title:</b>  <b>COI Policy</b>	

**Background & Purposes:**

UBC’s mission and mandate as a public institution of higher education is the advancement and dissemination of knowledge. UBC encourages all UBC Persons to seek and participate in research, to consult widely, and to engage in activities, including Non-University Activities, in a manner that does not interfere with their obligations to UBC.

Occasionally, UBC Persons may find themselves in either a Conflict of Interest or a Conflict of Commitment. The existence of a Conflict of Interest or Conflict of Commitment does not necessarily imply wrongdoing by a UBC Person. Such conflict(s) may exist regardless of a UBC Person’s character, intentions, or motivations. However, Conflicts of Interest or Conflicts of Commitment that go unnoticed or are improperly managed may harm the reputation and integrity of the UBC Person(s) and UBC; and may also undermine the public’s confidence in the abilities of the UBC Person(s) and UBC to pursue and disseminate knowledge, devoid of bias and personal interests. Without that public confidence, the effectiveness of UBC as a public institution and of UBC Persons is diminished.

The purposes of this Policy are to identify:

- situations that may give rise to a Conflict of Interest or Conflict of Commitment;
- a UBC Person’s responsibility to identify, disclose, assess, and manage, if appropriate, a Conflict of Interest or Conflict of Commitment;
- the process for investigating any Conflict of Interest or Conflict of Commitment; and
- disciplinary actions that may result from a violation of this Policy or any associated Procedures or Rules.

*Capitalized terms used in this Policy that are not otherwise defined herein shall have the meanings given to such terms in any associated Procedures or Rules.*

**1. General**

1.1 All UBC Persons are responsible for informing themselves and complying with:

- 1.1.1 the requirements of this Policy and any associated Procedures and Rules; and
  - 1.1.2 other applicable conflicts of interest or conflicts of commitment policies imposed by other third-party organizations, agencies, or institutions related to their activities at UBC.
- 1.2 All Faculty Members are responsible for informing themselves and complying with the requirements of any Tri-Agency or the U.S. Department of Health and Human Services; internal or external governance bodies (e.g., UBC's research ethics boards, UBC's Animal Care Committee, regulatory colleges such as the College of Physicians and Surgeons of British Columbia) that authorize research; other funding and granting agencies and organizations or third-party contracts, if related to their activities at UBC.
- 1.3 All UBC Persons are responsible for ensuring that participation in a UBC related activity and any Non-University Activity by a UBC Person is undertaken in compliance with this Policy, including ensuring such activities are conducted in a manner that:
- 1.3.1 is consistent with UBC's mission and mandate to advance and disseminate knowledge;
  - 1.3.2 maintains the general public's trust and confidence that UBC and UBC Persons are able to undertake UBC's mission and mandate devoid of bias and personal interest; and
  - 1.3.3 is undertaken by UBC Persons acting with integrity and adhering to the highest ethical standards at all times, including declaring and appropriately managing any Conflict of Interest or Conflict of Commitment in a timely, open, forthright, constructive and accountable manner.

## **2. Conflicts of Commitment**

### **2.1 Identifying Conflicts of Commitment**

- 2.1.1 All UBC Persons are responsible for identifying, disclosing, and appropriately managing any Conflict of Commitment in accordance with this Policy and conducting themselves with the highest ethical standards, including considering any Conflict of Commitment in a manner that will bear the closest scrutiny.
- 2.1.2 UBC has not attempted to develop an exhaustive list of Conflicts of Commitment as each situation is dependent upon its specific facts. However, the following are examples of situations where a Conflict of Commitment is deemed to exist:
  - (a) where a UBC Person engages in a Non-University Activity during their normal work hours at UBC;
  - (b) where a UBC Person employed on a full-time basis by UBC enrolls in a degree or diploma program at UBC, or any other educational institution;
  - (c) where a UBC Person uses UBC resources for Non-University Activities;

- (d) where a full-time Faculty Member's total involvement in Outside Professional Activities is greater than 52 days per year, including evenings, weekends and vacations; or
- (e) where a full-time Faculty Member will be away from their place of work at UBC for a period of 30 consecutive days (excluding holidays) as a result of the Faculty Member's Outside Professional Activities.

## **2.2 Disclosing Conflicts of Commitment**

- 2.2.1 If a UBC Person intends to engage in any activity, including any Non-University Activities, that could lead to a Conflict of Commitment, then the UBC Person must immediately disclose that activity to their Initial Reviewer pursuant to Section 3 of the Procedures. These disclosure obligations apply to all UBC Persons as soon as the Conflict of Commitment arises and continue until the Conflict of Commitment ceases to exist.
- 2.2.2 In addition, all Faculty Members and Staff Members are required to file annual Conflict of Commitment disclosures.
- 2.2.3 If a Faculty Member intends to engage in any activity that exceeds the thresholds set out in Section 2.1.2(d) or Section 2.1.2(e) of this Policy, then they must disclose and obtain prior written authorization from the Dean of the faculty in which they hold their primary appointment, a copy of which must be filed with the COI Manager.
- 2.2.4 All UBC Persons are encouraged to bring any questions or concerns regarding their Conflicts of Commitment to their Initial Reviewer, who may consult with the COI Manager.

## **2.3 Assessing and Managing Conflicts of Commitment**

- 2.3.1 If an Initial Reviewer becomes aware of a Conflict of Commitment, whether through disclosure or otherwise, then they must assess the Conflict of Commitment taking into consideration the following:
  - (a) whether a UBC Person's engagement in the Non-University Activity interferes with their professional obligations to UBC, including the elements set forth in Section 1.3 of this Policy; and
  - (b) whether the benefit to UBC from a UBC Person's engagement in the Non-University Activity outweighs the interference with their professional obligations to UBC or would outweigh the interference if appropriately managed through a Management Plan.
- 2.3.2 Once the Initial Reviewer has assessed the Conflict of Commitment situation, the Initial Reviewer, may determine what action, if any, is appropriate pursuant to Section 4 of the Procedures.

### **3. Conflicts of Interest**

#### **3.1 Identifying Conflicts of Interest**

- 3.1.1 All UBC Persons are responsible for identifying, disclosing, and appropriately managing any Conflict of Interest in accordance with this Policy and conducting themselves at all times with the highest ethical standards, including considering any Conflict of Interest in a manner that will bear the closest scrutiny.
- 3.1.2 Any UBC Person who engages in Non-University Activities is responsible for identifying any Conflict of Interests arising naturally from their engagement in Non-University Activities.
- 3.1.3 Identifying a Conflict of Interest involves two elements:
  - (a) the UBC Person's or a Related Party's personal interest(s), including without limitation, business, commercial or Financial Interests and personal matters and career interests; and
  - (b) the UBC Person's professional obligations to UBC.
- 3.1.4 A Conflict of Interest includes the following situations:
  - (a) an actual Conflict of Interest;
  - (b) a situation where the UBC Person's personal interest has not yet conflicted but has the potential or might be expected to conflict with the UBC Person's professional obligations to UBC; or
  - (c) the perception of a Conflict of Interest from the perspective of a reasonably well-informed, impartial observer.
- 3.1.5 UBC has not attempted to develop an exhaustive list of Conflicts of Interest as each situation is dependent upon its specific facts. However, a non-exhaustive list of situations where a Conflict of Interest is deemed to exist is set forth in Section 2 of the Procedures.

#### **3.2 Disclosing Conflicts of Interest**

- 3.2.1 If a UBC Person intends to engage in an activity that could lead to a Conflict of Interest, then the UBC Person must immediately disclose that activity to their Initial Reviewer pursuant to Section 3 of the Procedures and to all parties affected by the Conflict of Interest. For example, if a UBC Person makes a public statement, in the media or otherwise, and identifies themselves as being associated with UBC, then the UBC Person must disclose, as part of that public statement, any other relevant relationships, circumstances, or engagements in other Non-University Activities that give rise to a Conflict of Interest.

- 3.2.2 If prior disclosure is impossible, then disclosure must be made as soon as possible after commencement of the activity.
- 3.2.3 Prior to commencing a research project, a UBC Person who is a principal investigator or researcher must disclose all Conflicts of Interest that may arise in relation to the research project.
- 3.2.4 These disclosure obligations apply to all UBC Persons as soon as the Conflict of Interest arises and continue until the Conflict of Interest ceases to exist.
- 3.2.5 In addition, all Faculty Members and Staff Members are required to file annual Conflict of Interest disclosures.
- 3.2.6 All UBC Persons are encouraged to bring any questions or concerns regarding their Conflicts of Interest to their Initial Reviewer, who may consult with the COI Manager.

### **3.3 Assessing and Managing Conflicts of Interest**

- 3.3.1 If an Initial Reviewer becomes aware of a Conflict of Interest, whether through disclosure or otherwise, then they must assess the situation to determine what action, if any, is appropriate, including taking into consideration the following:
  - (a) the impact on the UBC Person's ability to satisfy their professional obligations to UBC, including the elements set forth in Section 1.3 of this Policy;
  - (b) the degree to which the proposed action will be detrimental to the interests of UBC;
  - (c) the degree to which it may harm the reputation and integrity of the UBC Person(s) or UBC, or both;
  - (d) the degree to which it may compromise the professional judgment of any UBC Person involved in conducting or reporting research;
  - (e) the extent to which the proposed action or activity could be managed through an appropriate Management Plan; and
  - (f) any of the other Conflict of Interest elements set forth in Section 2 of the Procedures.
- 3.3.2 Once the Initial Reviewer has assessed the Conflict of Interest situation, the Initial Reviewer, may determine what action, if any, is appropriate pursuant to Section 4 of the Procedures.

## **4. Reporting of Complaints or Concerns**

- 4.1 All persons are encouraged to contact the COI Manager in writing if they believe that a Conflict of Interest or Conflict of Commitment has been unreported, misrepresented, unassessed, or

unmanaged or that there has been any other breach of this Policy or any associated Procedures or Rules. Upon receipt, the COI Manager will handle the complaint or concern in accordance with Section 6.1.4 of the Procedures.

- 4.2 All complaints or concerns submitted pursuant to this Policy will be taken seriously. The anonymity of the person making the complaint or raising a concern will, unless otherwise directed by that person, be maintained, except as required by a legal process or the law. However, any information provided anonymously cannot be acted upon unless the information is independently substantiated. Allegations of retaliation against any person who, in good faith, makes a complaint or raises a concern pursuant to this Policy, gives evidence, or otherwise participates in a process under this Policy will be handled in accordance with UBC's Retaliation Policy.
- 4.3 UBC will protect the personal information of all parties involved as required under applicable legislation, including the *Freedom of Information and Protection of Privacy Act* (British Columbia). Except as required by a legal process or law, any information disclosed by a UBC Person pursuant to this Policy will be held in confidence and will only be available to relevant granting or funding agencies and those with a need to know the information in order to fulfill their responsibilities to UBC, including:
  - 4.3.1 those responsible under this Policy and any associated Procedures or Rules for the review, management, or audit of Conflict of Interest and Conflict of Commitment disclosures; or
  - 4.3.2 those who are involved in investigations of alleged breaches of UBC Policies or other misconduct, which may include: Central Human Resources; the Office of the Vice President, Research and Innovation; the Office of the University Counsel; members of the COI Committee; the Responsible Executive; or any of their respective and applicable delegates.



## PROCEDURES ASSOCIATED WITH THE POLICY

*Pursuant to the Regulatory Framework Policy, the President may approve Procedures or the amendment or repeal of Procedures. Such approvals must be reported at the next meeting of the UBC Board of Governors or as soon thereafter as practicable.*

*Capitalized terms used in the Policy that are not otherwise defined herein shall have the meanings given to such terms in these Procedures or Rules.*

### 1. Definitions

- 1.1 **"Administrative Head(s) of Unit"** means a Director of an administrative unit; a Head of an academic department; a Director of a centre, institute or school; a Principal of a college; a Dean of a faculty; the Registrar; the University Librarian; a Vice-President; or the President or the equivalent; or any of their respective delegates, which may include Associate Vice-Presidents; Vice-Principals; and Associate Vice-Principals.
- 1.2 **"Business"** means a corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or other entity organized for profit, not for profit, or charitable purposes, but excluding a UBC affiliated Hospital or a medical practice or other entity controlled by UBC or an affiliated Hospital.
- 1.3 **"Central Human Resources"** means Employee and Labour Relations or Faculty Relations on the UBC Vancouver campus, or Human Resources on the UBC Okanagan campus.
- 1.4 **"COI Committee"** means a committee established by the Responsible Executive to carry out the roles and responsibilities set out in the Policy, and which includes at least one independent person who is not a UBC Person.
- 1.5 **"COI Manager"** means the individual appointed by the Responsible Executive to oversee the administration and governance of the Policy or other duties as delegated by the Responsible Executive from time to time, and, whose contact information can be found on the website of the office of the Responsible Executive.
- 1.6 **"Conflict(s) of Commitment"** means a situation where a UBC Person engages in Non-University Activities that adversely affect the discharge of the UBC Person's primary responsibilities to UBC.
- 1.7 **"Conflict(s) of Interest"** means a situation in which a UBC Person, or their Related Party(ies), has a personal interest that actually conflicts, could conflict, or there is a perception that it conflicts with the UBC Person's obligations to UBC.
- 1.8 **"Faculty Member"** means an individual appointed by the University in the following faculty titles, ranks and descriptions: professor, associate professor, assistant professor, professor of

teaching, assistant professor of teaching, associate professor of teaching, adjunct professor, clinical professor, clinical associate professor, clinical assistant professor, clinical instructor, clinical fellow, academic program director, librarian, research associate, post-doctoral fellow, sessional lecturer, lecturer, visiting assistant professor, visiting associate professor, visiting professor, visiting lecturer, visiting scientist, visiting scholar, emeritus, honorary faculty or affiliate appointment or in an equivalent position designated by the applicable senate.

1.9 **“Financial Interest”** means having or having the expectation to receive:

1.9.1 greater than a 5% ownership interest in a Business; or

1.9.2 anything with a monetary value exceeding \$5,000 in any one calendar year, including remuneration (e.g., salary, consulting fees, retainers, honoraria, bonuses, gifts, speaker’s fees, advisory board remuneration, finders or recruitment fees), equity interests (e.g. stocks, stock options or other ownership interests), and intellectual property rights (e.g. patents, copyrights, royalties or other payments from such rights).

1.10 **“Guidelines”** has the meaning set forth in UBC’s Regulatory Framework Policy.

1.11 **“Initial Reviewer(s)”** means the individual responsible for reviewing a UBC Person’s disclosures of Conflicts of Interest or Conflicts of Commitment. For Faculty Members, the Initial Reviewer is normally the Dean of the faculty in which they hold their primary appointment, unless their faculty is departmentalized, in which case it is normally the Head of their department or school. For Staff Members, the Initial Reviewer is normally their immediate supervisor and, where the Staff Member has more than one immediate supervisor, the Initial Reviewer is the immediate supervisor designated by the Responsible Executive. For all other UBC Persons, the Initial Reviewer is normally their immediate supervisor. Notwithstanding the foregoing, the Responsible Executive may designate a different Initial Reviewer for any UBC Persons.

1.12 **“Management Plan”** means the written document governing and managing a UBC Person’s participation in an activity deemed to constitute a Conflict of Interest or Conflict of Commitment.

1.13 **“Non-University Activity(ies)”** means any activity outside a UBC Person’s scope of work with UBC and includes Outside Professional Activities.

1.14 **“Outside Professional Activity(ies)”** means any activity outside a UBC Person’s scope of work with UBC that involves the same specialized skill and knowledge that the UBC Person utilizes in their work with UBC and includes the operation of a Business, consulting or advisory services, external teaching, external academic appointments and external speaking engagements.

1.15 **“Policy”** means the COI Policy.

1.16 **“Position of Authority”** means any position that includes responsibilities for a material function of the operation or management of a Business.

1.17 **“Related Party(ies)”** means a UBC Person’s immediate family member (e.g., spouse, partner, or sibling), direct descendant or ancestor (e.g., child, grandchild, parent, or grandparent), any other person living in the same household, any other person with whom the UBC Person shares



a Financial Interest, either directly or indirectly, or any Business in which the UBC Person has an ownership interest of more than 5%.

- 1.18 **“Related Policy(ies)”** means the related policies specific to the Policy as identified in the official repository for the Policy maintained by the Office of the University Counsel and published on its website.
- 1.19 **“Respondent”** means the UBC Person who is the subject of an investigation of an alleged breach of the COI Policy or associated Procedures or Rules.
- 1.20 **“Responsible Executive”** means individual(s) assigned by the President, pursuant to UBC’s Regulatory Framework Policy, to be responsible for the Policy; and any sub-delegate of that assigned responsible individual(s) except to the extent that the power to delegate is specifically excluded in the Policy or in the appointment by the President.
- 1.21 **“Rules”** has the meaning set forth in UBC’s Regulatory Framework Policy.
- 1.22 **“Staff Member”** means individual(s) employed by UBC in any of the following employee categories or titles:
- 1.22.1 Management and Professional;
  - 1.22.2 Director of a service unit;
  - 1.22.3 Administrative AVP (as defined in UBC’s Administrative AVPs Policy);
  - 1.22.4 Administrative VP (as defined in UBC’s Administrative VPs Policy); and
  - 1.22.5 Any other UBC Person(s), who is not a Faculty Member, as required by the Responsible Executive (e.g., those who have signing authority over UBC financial accounts).
- 1.23 **“Tri-Agency”** means the Canadian Institutes of Health Research, the Natural Sciences and Engineering Research Council, and the Social Sciences and Humanities Research Council, collectively.
- 1.24 **“UBC Person(s)”** means all Faculty Members, all Staff Members, all other employees of UBC, all students to the extent that they are carrying out UBC research, and all individual(s) who have agreed to carry out duties on behalf of UBC as a volunteer.

## 2. Additional Conflict of Interest Considerations:

- 2.1 The following is a non-exhaustive list of situations where Conflicts of Interest is deemed to exist:
- 2.1.1 where a UBC Person’s responsibility to instruct, evaluate and supervise students in a fair, unbiased and effective manner is or could be impeded or compromised (Note, the inherent power imbalance that exists between a UBC Person and a student must not be used for personal benefit.);

- 2.1.2 where a UBC Person or a Related Party has a Financial Interest in the outcome of their research, including any Financial Interest in a company sponsoring research at their UBC laboratory or facilities;
- 2.1.3 where a UBC Person or a Related Party has a Financial Interest in their teaching activities at UBC, other than their annual salary from UBC;
- 2.1.4 where a UBC Person has influence over a decision about a proposed relationship between UBC and a Business in which the UBC Person or a Related Party has a Financial Interest or holds a Position of Authority;
- 2.1.5 where a UBC Person or a Related Party has or obtains a Financial Interest or a Position of Authority in a Business with which UBC has an existing relationship and the Business is related to the UBC Person's work at UBC;
- 2.1.6 where a UBC Person transfers research results or intellectual property arising from their UBC research to a Business in which the UBC Person or a Related Party has a Financial Interest or holds a Position of Authority;
- 2.1.7 where a UBC Person is in a position to influence human resource decisions (such as recruitment, offer of employment, evaluation of performance, promotion, granting of tenure, or termination of employment) or admission decisions with respect to a person who is a Related Party or who has another relationship with the UBC Person that might reasonably be perceived as creating a Conflict of Interest;
- 2.1.8 where a UBC Person uses or attempts to use their position with UBC to solicit students, other UBC Persons, government agencies, private companies, or members of the public for Non-University Activities, including employing students or other UBC Persons to perform services for the UBC Person or a Related Party on personal or commercial matters;
- 2.1.9 where a UBC Person uses information that is acquired as a result of their position with UBC and not in the public domain for Non-University Activities, unless the UBC Person has proprietary rights (usually enforceable through copyright) to that information (Note, UBC Persons should also be aware that insider trading restrictions may also apply to them under the laws of British Columbia or other jurisdictions);
- 2.1.10 where a UBC Person's obligations to a board of directors, advisory boards, or the like of an outside organization interfere with or compromise the UBC Person's obligations to UBC;
- 2.1.11 where a UBC Person accepts gifts with a value of \$500 or more that would not have been offered if not for the UBC Person's position or role at UBC;
- 2.1.12 where a Faculty Member enrolls as a student in their own faculty; or

- 2.1.13 where personal considerations could be reasonably perceived to compromise a UBC Person's professional judgment in conducting or reporting research, teaching, or carrying out administrative activities at UBC.

### 3. Required Disclosures

- 3.1 All UBC Persons must:
  - 3.1.1 immediately disclose Conflicts of Interest and Conflicts of Commitment to their Initial Reviewer as soon as such situation or event arises; and
  - 3.1.2 continue to disclose and submit such information, as requested, or at least annually until the Conflicts of Interest and Conflicts of Commitment cease to exist.
- 3.2 At least annually, all Faculty Members must submit a completed disclosure that discloses the following:
  - 3.2.1 all Outside Professional Activities;
  - 3.2.2 all circumstances (if any) that give rise to a Conflict of Interest or Conflict of Commitment; and
  - 3.2.3 such additional information asked for in the prescribed annual disclosure form, as it may be amended from time to time.
- 3.3 At least annually, all Staff Members must submit a completed disclosure that discloses the following:
  - 3.3.1 all Non-University Activities, if any;
  - 3.3.2 all circumstances (if any) that give rise to a Conflict of Interest or Conflict of Commitment;
  - 3.3.3 such additional information asked for in the prescribed annual disclosure form, as it may be amended from time to time.
- 3.4 All disclosures made by Faculty Members under Sections 3.1 and 3.2 of these Procedures must be submitted utilizing the Conflict of Interest or the Conflict of Commitment module in the *RiSe* system.
- 3.5 All disclosures made by Staff Members under Sections 3.1 and 3.3 of these Procedures must be submitted utilizing the Conflict of Interest or the Conflict of Commitment module in the *Workday* system.
- 3.6 All disclosures made by UBC Persons under Section 3.1 of these Procedures who are not Faculty Members or Staff Members must be submitted utilizing the Conflict of Interest or Conflict of Commitment module in the system deemed most appropriate by the Initial Reviewer.

#### **4. Role of Initial Reviewer**

- 4.1 The Initial Reviewer is responsible for assessing the disclosure and determining whether there are any Conflicts of Interest or Conflicts of Commitment, and, if so, whether they can and should be permitted subject to a Management Plan.
- 4.2 If the Initial Reviewer determines that a proposed action or activity, including a proposed research project, is:
  - 4.2.1 permissible as disclosed with no further action, then the Initial Reviewer's determination will be recorded in writing and the UBC Person may proceed with the action or activity subject to obtaining all other applicable approvals;
  - 4.2.2 permissible only if appropriately managed through the implementation of a Management Plan, then the Initial Reviewer will develop and implement a Management Plan to manage the Conflict of Interest or the Conflict of Commitment and the UBC Person may proceed with the action or activity pursuant to the Management Plan; or
  - 4.2.3 not permissible, then the UBC Person must not proceed with the proposed action or activity giving rise to the Conflict of Interest or Conflict of Commitment.
- 4.3 The Initial Reviewer may consult with the COI Manager in relation to any decisions required to be made under Section 4 of these Procedures, including the development of any applicable Management Plan(s) and the COI Manager may in turn consult with the COI Committee.
- 4.4 If the Initial Reviewer is unable to determine whether a Conflict of Interest or a Conflict of Commitment or any proposed action or activity is permissible due to their own Conflict of Interest or otherwise, then the Initial Reviewer must refer the disclosure one level up for handling. If such a referral is not appropriate, then the matter will be referred to the Responsible Executive for a final determination of who should handle the matter.
- 4.5 Where the UBC Person is a Faculty Member who holds an appointment in more than one faculty, the Initial Reviewer must keep the Dean of the other faculty up-to-date with a copy of that Faculty Member's disclosures and any applicable Management Plan(s). Where the UBC Person is a Staff Member who has more than one immediate supervisor, then the Initial Reviewer must consult with and keep the other immediate supervisors up-to-date with a copy of that Staff Member's disclosures and any applicable Management Plan(s).

#### **5. Unit-Specific Review Process**

- 5.1 Notwithstanding Section 4 of these Procedures, if the UBC Person disclosing a Conflict of Interest or a Conflict of Commitment is part of an academic or administrative unit for which unit-specific review processes have been established pursuant to one or more Rules, then the review shall be undertaken in accordance with such Rules.

## **6. Role of the COI Manager**

6.1 The COI Manager is charged with the following responsibilities:

- 6.1.1 serving as the secretary to the COI Committee;
- 6.1.2 providing advice and guidance to Initial Reviewers, Administrative Heads of Unit, the Responsible Executive, and the COI Committee with respect to any matter pertaining to the Policy and any associated Procedures and Rules, including without limitation:
  - (a) the establishment of processes for the assessment of Conflicts of Interest and Conflicts of Commitment;
  - (b) the assessment of disclosures of Conflicts of Interest and Conflicts of Commitment; and
  - (c) the development of appropriate Management Plan(s);
- 6.1.3 making recommendations to the Responsible Executive in relation to the issuance of any Rules, Guidelines, templates, or other materials or resources and consulting the COI Committee as appropriate;
- 6.1.4 handling any complaints or concerns received pursuant to Section 4.1 of the Policy as the COI Manager deems appropriate, including forwarding such complaint or concerns:
  - (a) to the appropriate Initial Reviewer or any other person identified in a Rule establishing a unit-specific review process contemplated by Section 5 of these Procedures for assessment and management pursuant to either Section 2.3 or Section 3.3 the Policy; or
  - (b) to the attention of the COI Committee for handling pursuant to Section 9 of these Procedures; and
- 6.1.5 providing training to UBC Persons regarding Conflicts of Interest, Conflicts of Commitment, and the application of the Policy and any associated Procedures and Rules.

## **7. Role of the COI Committee**

7.1 The Responsible Executive must establish a COI Committee.

7.2 The COI Committee is charged with the following responsibilities:

- 7.2.1 auditing random samples of Conflicts of Interest and Conflicts of Commitment that have been approved and any related Management Plans for quality control purposes and advising Initial Reviewers on appropriate standards for the quality of disclosures, reviews, and Management Plans;

- 7.2.2 acting as a sounding board and source of advice regarding the appropriate handling of specific disclosures or other cases referred to it by the COI Manager.
- 7.2.3 serving as the final avenue of appeal (such as where a UBC Person disagrees with the assessment of an Initial Reviewer or the assessment resulting from a Rule established under Section 11 of these Procedures);
- 7.2.4 to review concerns or issues in accordance with Section 9 of these Procedures, whether self-initiated or brought forth by the COI Manager pursuant to Section 6.1.4(b) of these Procedures; and
- 7.2.5 fulfilling such other roles and responsibilities as may be assigned to it by the Responsible Executive.

## **8. Appeals**

- 8.1 All UBC Persons may appeal any decision regarding a Conflict of Interest or Conflict of Commitment made by their Initial Reviewer in accordance with Section 4 of these Procedures by sending a notice of appeal to the COI Manager in writing using such form as may be prescribed by the COI Manager. The COI Manager will bring the notice to the attention of the COI Committee.
- 8.2 The COI Committee may, at its discretion, refuse to hear an appeal that is filed more than 30 days after the date of the Initial Reviewer's decision.
- 8.3 The Chair of the COI Committee has the discretion to determine the manner in which the COI Committee considers appeals, provided that such discretion must not be exercised in a manner that is inconsistent with the Policy or any associated Procedures or Rules or any directions issued by the Responsible Executive.

## **9. Referral of Complaints or Concerns to the COI Committee**

- 9.1 If a complaint or concern is forwarded to the attention of the COI Committee by the COI Manager pursuant to Section 6.1.4(b) of these Procedures, the COI Committee will normally make an initial determination as to whether the alleged breach has resulted from an honest and reasonable error or oversight. The COI Committee may reconsider its initial determination at any time.
- 9.2 Where the COI Committee's initial determination is that the alleged breach has resulted from an honest and reasonable error or oversight, the COI Committee will normally advise or direct the COI Manager, the Respondent, their Initial Reviewer and any other person that the COI Committee determines should receive such advice or directions as to the appropriate handling of the matter, and such persons must comply with any such directions.
- 9.3 If the COI Committee makes an initial determination that the alleged breach is not the result of an honest and reasonable error or oversight, then the COI Committee will normally investigate it pursuant to Section 9.4 of these Procedures.

- 9.4 The Chair of the COI Committee has the discretion to determine whether and how the COI Committee carries out its investigations, provided that such discretion must not be exercised in a manner that is inconsistent with the Policy or any associated Procedures or Rules or any directions issued by the Responsible Executive. Without limiting the generality of the foregoing, the Chair of the COI Committee may:
- 9.4.1 determine that the investigation be terminated;
  - 9.4.2 recommend to the Responsible Executive that the investigation be undertaken as a Consolidated Investigation, as defined in UBC's Investigations Policy; and
  - 9.4.3 request that the Responsible Executive appoint an external investigator or other person to undertake the investigation on behalf of the COI Committee.
- 9.5 Unless otherwise determined by the Chair of the COI Committee, investigations of complaints or concerns by the COI Committee will include:
- 9.5.1 consulting with Central Human Resources, UBC administrators, and others, as appropriate;
  - 9.5.2 requesting written submissions or interviewing the Respondent and other parties with information that may be relevant to the alleged breaches, including the party who submitted the complaint or concern; and
  - 9.5.3 obtaining documents relevant to the alleged breach.
- 9.6 Upon completion of an investigation of the alleged breach, the COI Committee will prepare and deliver to the Responsible Executive a written report that includes the following information:
- 9.6.1 a description of the alleged breach;
  - 9.6.2 the names of the parties who provided information and a summary of the information they provided;
  - 9.6.3 a summary of the relevant documents and other material reviewed;
  - 9.6.4 findings of fact based on the information, documents, and other material gathered during the investigation;
  - 9.6.5 a determination as to whether a breach of the Policy or any associated Procedures or Rules have occurred; and
  - 9.6.6 if a breach is determined to have occurred, then any mitigating or aggravating circumstances the COI Committee considers to be relevant.

## **10. Outcomes Resulting from Breaches**

- 10.1 If, pursuant to Section 9.6 of these Procedures, the Responsible Executive receives a report from the COI Committee setting out a determination by the COI Committee that a breach of the Policy or any associated Procedures or Rules has occurred, the Responsible Executive will immediately forward the report to the Dean of the Respondent's faculty if the Respondent is a Faculty Member and to the Respondent's immediate supervisor if the Respondent is a Staff Member, with a copy to Central Human Resources. The Respondent's Dean or immediate supervisor will then consult with Central Human Resources to receive advice on what, if any, disciplinary action is appropriate. Any discipline will be commensurate with the seriousness of the violation. Any disciplinary action that is imposed on a UBC Person pursuant to the Policy or another UBC policy will be in accordance with the applicable terms and conditions of employment, including any applicable collective agreement, or such other contractual process(es) applicable to the UBC Person.
- 10.2 In addition to any disciplinary action, where a Faculty Member fails to comply with the Policy, the Dean or the Initial Reviewer (if the Initial Reviewer is not the Dean) may direct the Office of Research Services to freeze the research account(s) of the Faculty Member until further notice. UBC may also terminate funding or require the repayment of any financial benefit gained by the Faculty Member.
- 10.3 Failure to comply with the Policy and any associated Procedures and Rules could also lead to reporting by the Office of the Vice-President, Research and Innovation to the applicable Tri-Agency, or the U.S. Department of Health and Human Services, or any other funding and granting agencies and organizations and potentially result in the loss of research funding from such funding and granting agencies and organizations.

## **11. Establishing Guidelines and Rules**

- 11.1 The Responsible Executive has the authority to establish, amend, and repeal Rules that address Conflicts of Commitment and Conflicts of Interest, provided that such Rules are not inconsistent with the Policy or any associated Procedures. The Responsible Executive must provide the Office of the University Counsel with a notice of the establishment, amendment, or repeal of any such Rules so that they can be reflected in the official repository of Board Policies maintained by the Office of the University Counsel pursuant to UBC's Regulatory Framework Policy. The establishment, amendment, or repeal of any Rules take effect and are binding on UBC Persons when approved by the Responsible Executive or on such later date as may be specified by the Responsible Executive.
- 11.2 The Responsible Executive may issue Guidelines as contemplated by UBC's Regulatory Framework Policy. Such Guidelines may address Conflict of Commitment or Conflict of Interest issues of interest to UBC Persons across all of UBC or to various subsets of UBC. Where an Administrative Head of Unit considers that Guidelines specific to their unit would be beneficial, the Administrative Head of Unit may recommend that the Responsible Executive issue such unit-specific Guidelines. The Responsible Executive must provide the Office of the University Counsel with a notice of the establishment, amendment, or repeal of any Guidelines so that they can be reflected in the official repository of Board Policies maintained by the Office of the University Counsel pursuant to UBC's Regulatory Framework Policy.



11.3 The Responsible Executive will normally consult with the COI Manager or the COI Committee, or both, when establishing, amending, or repealing any Rules or Guidelines.

11.4 Without limiting the generality of Section 11.1, the Rules may:

11.4.1 provide for unit-specific processes for reviewing disclosures, taking into consideration the following:

- (a) the volume of disclosures generated within the academic or administrative unit; and
- (b) the need for specialized academic or professional knowledge and expertise to assess Conflicts of Interest or Conflicts of Commitment generated within the academic or administrative unit; and

11.4.2 establish conditional pre-approvals for defined Non-University Activities and defined categories of Non-University Activities that give rise to Conflicts of Interest or Conflicts of Commitment.

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