

Conflict of Interest Policy

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Version 1.2

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1 Definitions

Conflict(s) of Interest/Conflict(s) means an actual, perceived or potential conflict where the personal interests of a person may be in conflict (or perceived to be in conflict) with the interests of South East Technological University (**the University**) and as more specifically described at section 5 of the Policy.

Policy means this Conflict of Interest Policy.

Staff means all employees and full and part time staff of the University including but not limited to lecturers, heads of department, the President, members of the Executive Management Team , research staff, postdoctoral researchers, research fellows and senior research fellows, visiting staff, external supervisors of research, contractors involved in research related activities, any person engaged in a consultative capacity, holders of emeritus positions, any other staff involved directly or indirectly in research or related activities including technical, clerical, clinical and administrative staff.

Students means all students of the University including undergraduate, postgraduate, full and part-time students and student researchers.

Researcher means either students or staff as defined here.

2 Introduction

- 2.1 The University prides itself in the integrity of its teaching, research and all other activities. It is concerned to avoid any actual, perceived or potential conflicts between the interests of the University and any personal interests of the University staff and students.
- 2.2 This policy sets out the procedures to be followed by the University in respect to **actual, perceived or potential conflicts of interest**. The University encourages staff and students to engage in external activities, many of which are also of benefit to the University. On occasion activities may give rise to Conflicts of Interest. This policy seeks to manage these Conflicts of Interest in a manner that is fair to all.
- 2.3 Staff and students must disclose to the University the activities that may give rise to conflicts. In most cases the notification of Conflict of Interest may be all that is necessary to fulfil the obligation required under the policy, depending on the circumstances. However, there may be occasions where intervention by the University will be required to manage that Conflict of Interest.
- 2.4 The purpose of this policy is to set out examples which may give rise to conflicts of Interest and establish the policy for the notification and management of the conflict.
- 2.5 The overarching message is that where there is any uncertainty on the matter the Conflict of Interest should be notified to the identified authorities in the University and other appropriate bodies. The notifications made under this policy do not replace or substitute any additional declarations of conflicts that an individual may need to make to third parties or where relevant to the Standards in Public Office Commission.
- 2.6 Staff are also referred to the internal IP Declaration and Assignment Form, the Grievance Procedure and the Disciplinary Procedure and Code of Conduct.
- 2.7 This policy is not intended to undermine academic freedom. This policy is affected without prejudice toward academic freedom.

This Policy is subject to periodic review by the University and may be subject to change by the University at any time in accordance with its relevant procedures. This policy is in line with the following documents and reviews:

- The 2019 National Intellectual Property Protocol¹
- IP Pragmatics 'Review of KT Processes at WIT' in 2021
- HEA KTI 'Review Of Implementation of IP Policies Within Higher Education Institutions'²
- The Code of Governance ³.

¹ <https://www.knowledgetransferireland.com/Reports-Publications/Ireland-s-National-IP-Protocol-2019-.pdf>

² https://hea.ie/assets/uploads/2018/02/KTI_HEA-IP-management-and-Col-report-Feb-18.pdf

³ <https://www.setu.ie/uploads/inner/SETU-Interim-Code-November-2022.pdf>

3 Application and Scope of the Policy

- 3.1 This policy applies to all staff, students and associates⁴ of the University.
- 3.2 The policy requires that all individuals maintain an awareness of situations in which that person may have a Conflict of Interest. The Conflict of Interest must be disclosed as provided for below.
- 3.3 If an individual is unsure if this policy may apply to him/her, the matter should be raised to the appropriate Head of School/Faculty/Function
- 3.4 Conflicts of Interest arise in many circumstances and are not only linked to conflicts in research.

⁴ For example external members of steering committees for research centres

4 Conflicts of Interest

- 4.1 As set out above a Conflict of Interest is an actual, a potential or a perceived Conflict of Interest.
- 4.2 A Conflict of Interest arises when the commitments, duties, independence and objectivity owed by an individual to the University are likely to be or may appear to be compromised by a commitment to another body or person (such as a private company; funding body; family member; or a close friend). This includes where the individual may have resulting personal gain or benefit (financial or otherwise) or there may be gain or benefit to a family member or a close friend. A Conflict of Interest may be financial or non-financial.
- 4.3 A Conflict of Interest may also arise where an individual's judgement with respect to work being carried out for the University is unduly influenced by a secondary interest or there is seen to be an incentive to take certain actions by the individual.
- 4.4 Where there is an appearance of or potential for a Conflict of Interest, even where none arises, the matter should be disclosed. Individuals must consider how a situation may be perceived.

4.4.1 Financial Conflicts

A financial Conflict of Interest is one, as outlined above, where there is or appears to be an opportunity for personal financial gain or financial gain to oneself, a family member, close friend or otherwise connected person. The financial value is immaterial and financial interest would include anything of monetary value. Any financial interest should be disclosed in accordance with this policy. Also see the Intellectual Property Policy for further information in relation to financial conflicts.

4.4.2 Non-Financial Conflicts

A non-financial Conflict of Interest may include any kind of benefit or advantage, including any form of career enhancement (direct or otherwise),

enhancement of education or similar gain for the individual or a to a family member or close friend.

Recognising that it is difficult to anticipate all conflicts in advance, staff and students are reminded that questions regarding this Conflict of Interest Policy may be made informally and confidentially at any time to Human Resources or the Technology Transfer Office.

5 Conflicts of Interest & Research Practice

- 5.1 From an ethical, integrity and reputation perspective, it is particularly important for the University to manage Conflicts of Interest in the context of research. To ensure that there is transparency and integrity in research, the University has the right to know if someone working on a research project may have a conflict. Declaring the Conflict of Interest is a way in which the University can ensure that the Conflict of Interest will not interfere with the individual's capacity to conduct independent research and or take advantage of resources available at the University.
- 5.2 Where circumstances come to light that could lead to a Conflict of Interest, a researcher should immediately notify the University in accordance with this policy.

6 Procedure

- 6.1 It is the duty of all persons to whom this policy applies to disclose any potential or perceived Conflict of Interest.
- 6.2 The Conflict of Interest shall be reported, as set out below, at the time the Conflict of Interest first arises or the first indication that there may be a perception of a potential for a conflict.
- 6.3 The Conflict of Interest shall be reported in writing using Appendix 1 as follows:-

STAFF

- To the Head of School/Faculty (HOS/F) /Function or VP of Research
- If the HOS/F/Function has an interest in the matter, the Conflict of Interest should be reported to the person at the next level of authority which could be, for example, the Vice President of Research or the President
- Where the Conflict of Interest arises in the context of research, each researcher must make a declaration as to whether they have any personal interest in relation to a proposed sponsor / collaborator or investor or any joint venture or party who may licence IP to or from the University.

STUDENTS

- The student should discuss with his or her Supervisor or Principal Investigator (PI) where appropriate
 - The student following discussion with the Supervisor or PI should complete Appendix 1 and submit it to their Head of Department.
- 6.4 Where advice received in relation to a given conflict (from the appropriate reporting line) is adhered to then there will be no further University accountability to that person, this is subject to full disclosure of the conflict. It should be noted that this does not remove any external obligations such as legal actions outside of the University. An annual reminder will be distributed to all those which this policy applies to of their requirement to disclose any potential or perceived Conflict of Interest.

6.4.1 The annual reminder, sent electronically, will include a declaration, Appendix 2, where all staff will be required to

6.4.1.1 confirm that they understand and will comply with the Policy and

6.4.1.2 have no current unreported conflict.

6.5 In many instances there will be nothing further required. The declaration will be recorded in the relevant Schools/Functions 'Conflict Register' or where appropriate in the University's Conflict Register. These registers will be held confidentially and each record will be held for the appropriate duration.

6.6 Any Conflict of Interest disclosed must be updated as new information becomes available which could affect the previously notified conflict.

6.7 The Conflict Register will be reviewed at regular intervals by the relevant School/Function and an annual report will be provided to the Governing Body.

6.8 In some cases, there may be a need for the University to manage the conflict. In such cases the process for management of the conflict should be documented and all interested parties should receive a copy. The following may be appropriate ways in which to manage the Conflict of Interest but this is not an exhaustive list:-

- Abstention from meetings, decisions, or discussions on certain matters;
Agreeing not to act as a particular student's supervisor or the appointment of a second supervisor;
- Not sitting on an interview panel & signing the Conflicts of Interest Notification Form prior to the interview;
- Referring to others certain matters for decision;
- Standing aside from any project that creates the Conflict of Interest;
- Declaring the Conflict of Interest to a relevant third party (for example a funding body).

- 6.9 The University has in place a Conflict of Interest Committee. In the event that a conflict cannot be adequately resolved at School/Function level it should be referred to the Conflict of Interest Committee who may issue directions or guidance on the conflict.
- 6.10 Any decision of the Conflict of Interest Committee can be appealed to President. The decision of the President shall be final notwithstanding the option to avail of the Universities grievance procedures.
- 6.11 Schools/Functions should review conflicts which become disclosed at departmental meetings to ensure that the Conflict of Interest is being actively managed.
- 6.12 With respect to any intellectual property, staff and students are also referred to the Internal IP Declaration and Assignment Form.

7 Role of the Conflict of Interest Committee

The role of the Conflict of Interest Committee is to provide overall governance and management to the University in relationship to conflicts of interest. Duties of the Committee as per the Terms of Reference are attached as Appendix 3.

8 Non-Disclosure of Conflict

In the event that there is a non or partial disclosure of a Conflict of Interest or failure to complete the Annual Declaration, clause 6.4.1, the University reserves the right to invoke the Disciplinary Policy in relation to the matter.

9 Confidentiality and Freedom of Information

- 9.1 Conflicts of Interest notifications may be subject to disclosure under Freedom of Information.
- 9.2 All Conflicts of Interest disclosures and related discussions will be held in confidence to the maximum extent permissible but shall be saved into the Conflict Register. Any personal data shall be held and maintained in accordance with data protection requirements and the University's Data Protection Policy.

10 Review of Policy

This policy will be reviewed in advance of the review date i.e. 16 January 2027, and/or as soon as possible following new or updated legislation, national or sectoral policy.

Appendix 1 - Conflict of Interest Notification Form

NAME:

POSITION:

SCHOOL/FUNCTION:

OUTLINE NATURE OF CONFLICT OR PERCEIVED CONFLICT OF INTEREST:

NAME OF ANY THIRD PARTY CONNECTED TO CONFLICT

I hereby declare the above conflict of interest in accordance with The University's Conflict of Interest Policy. I agree that if necessary I shall take the necessary steps to manage this conflict. I note that recommendations may be made to me with respect to the management of the conflict and where necessary I may be directed to take certain actions. I confirm that I have no other conflicts of interest, other than conflicts which I have disclosed, with respect to any activities carried out by me at the University.

Signature:

Signature Head of School/Faculty/Function:

Date:

Appendix 2 - Annual Conflict of Interest Declaration

- I confirm I understand the Conflict of Interest Policy
- I confirm I will abide by the Conflict of Interest Policy
- I confirm I have no unreported Conflicts

Appendix 3 – Duties

The role of the Conflict of Interest Committee is to provide overall governance and management to the University in relationship to conflicts of interest. The duties of the committee as per the Terms of Reference section 9 are as follows:

- 9.1 Advising the University and the University School/Functions on conflicts and the Conflicts of Interest Policy.
- 9.2 Recommend the Conflict of Interest Policy and Conflict of Interest Committee terms of reference to Governing Body for approval.
- 9.3 Monitoring Conflicts of Interest and review and update the Conflict of Interest Policy where necessary.
- 9.4 Ensure there are systems in place to promote and monitor compliance with the Conflict of Interest Policy.
- 9.5 Promptly review and determine the status of all reported activities and interests; Handle and maintain all reported activities and interests in confidence; Ensure actions are implemented;
- 9.6 Establishing a training plan and providing training for executive team and staff.
- 9.7 Implementing a risk-based approach to the annual COI declarations.
- 9.8 Issuing direction or guidance on conflicts that are referred to the Committee.
- 9.9 Advising on any questions referred to the Committee.
- 9.10 Establish a standardised register template and ensure regular review/audit of the register.
- 9.11 Provide an Annual Report to Governing Body.
- 9.12 Carry out (or have carried out) such other activities as may be reasonably necessary for the proper implementation and administration of this Policy.