

## 1. Document Details

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| <b>Title:</b>               | <b>Policy on Conflict of Interest (Relating to the Academic Activities of CIT)</b> |
| <b>Author(s):</b>           | Office of the Registrar & Vice-President for Academic Affairs                      |
| <b>This Version Number:</b> | 1.0  |
| <b>Status:</b>              | Approved   |
| <b>Effective Date:</b>      | March 2015   |
| <b>Review Date:</b>         | March 2016   |

**Important Note:** If the ‘Status’ of this document reads ‘Draft’, it has not been finalised and should not be relied upon.

## 2. Revision History

| Version Number | Revision Date | Summary of Changes | Changes tracked? |
|----------------|---------------|--------------------|------------------|
| 1.0            |               | Initial version    |                  |
|                |               |                    |                  |
|                |               |                    |                  |

## 3. Relevant/Related Existing Internal Documents

|                           |            |  |
|---------------------------|------------|--|
| CIT                       | 2001       | <i>External Examiners – Policy and Procedures</i>  |
| CIT                       | 2003       | <i>Campus Company Policy</i>   |
| CIT HR Office             | 2010       | <i>External Work Guidance Notes (and related documents)</i>  |
| CIT                       | 2011       | <i>Intellectual Property Policy</i>  |
| CIT Governing Body / IoTI | Jan. 2012  | <i>Code of Governance of Irish Institutes of Technology – as amended to reflect the 2009 Code of Governance for State Bodies (adopted by Governing Body Feb. 2012)</i> |
| CIT                       | 2013       | <i>CIT Research Ethics Checklist and Policy</i>  |
| CIT                       | Jan. 2013  | <i>AC Procedure – Validation of Special Purpose, Minor and Supplemental Awards (Appendix 2)</i>  |
| CIT                       | June 2013  | <i>Regulations for Modules and Programmes (Marks and Standards) Version 4.0</i>  |
| CIT                       | Sept. 2013 | <i>Regulations for Postgraduate Research Study</i>   |
| CIT Governing Body / IoTI | June 2014  | <i>CIT Code of Conduct for Employees (adopted by Governing Body Dec. 2014)</i>   |

#### 4. Relevant/Related Existing External Documents

|                                       |               |  |
|---------------------------------------|---------------|--|
| Oireachtas                            | 1995 and 2001 | <i>Ethics in Public Office Act, 1995 and Standards in Public Office Act, 2001</i>  |
| Standards in Public Office Commission | Oct. 2008     | <i>Guidelines on Compliance with the Provisions of the Ethics in Public Office Acts 1995 and 2001, Public Servants (Sixth Ed.)</i> |

#### 5. Consultation History

*This document has been prepared in consultation with the following bodies/functions:*

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| Academic Council, Chair of Postgraduate Research Studies Board, Chair of Research & Development Committee, Head of Research, Industry Liaison Office, Office of VP for Finance & Administration |
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#### 6. Approvals

*This document requires following approvals (in order where applicable):*

| Name                      | Date                | Details of Approval Required                         |
|---------------------------|---------------------|--|
| <b>Academic Council</b>   | <b>10 Dec. 2014</b> | Approval pending consideration of proposed amendment |
| <b>AC Executive Comm.</b> | <b>4 Feb. 2015</b>  | Final approval as delegated by AC                    |
| <b>Governing Body</b>     | <b>26 Mar. 2015</b> |  |

#### 7. Purpose

This document aims to establish the policy and procedures of Cork Institute of Technology for the identification, disclosure and management of conflicts of interest of Institute members and external contributors to the academic activities of the Institute.

#### 8. Scope

Engagement in external academic activities may give rise to two types of conflict: Conflicts of commitment, which are generally understood as conflicts which may affect the allocation of time and energy; and conflicts of interest, which may affect professional judgment.

Conflicts of commitment generated by the professional engagement of external examiners, supervisors or panellists with CIT will normally be a matter for the outside organisation to which the external academic or professional owes her/his primary professional allegiance. Conflicts of commitment generated by outside engagements of CIT employees are dealt with through the normal line management processes of the Institute on the basis of the agreed conditions of service.

This policy does not specifically deal with conflicts of commitment, except where there is a risk that professional judgment may be impaired by availability constraints.

This policy does deal with conflicts of interest between the professional obligations to CIT – the primary interest in this context – and other interests which CIT academic staff and other members of the Institute may experience. It also deals with conflicts of interest arising for CIT, its academic units or members, from the involvement of external academics, researchers or professionals in educational, research or academic quality enhancement activities of the Institute, including in the capacity of external examiner, research supervisor, and member of an academic review panel.

This *Conflict of Interest Policy* is intended to complement the existing policies and procedures of the Institute relating to external engagements, including, in particular, the *Code of Governance of Irish Institutes of Technology* adopted by the CIT Governing Body in February 2012, the *CIT Code of Conduct for Employees* (adopted by Governing Body in December 2014), the Institute's *Intellectual Property Policy* (2011) and *Campus Company Policy* (2003), and the guidelines and procedures of the CIT Human Resources Office regarding external work.

This policy should be read in conjunction with the *Ethics in Public Office Act, 1995*, the *Standards in Public Office Act, 2001*, and any related guidelines published by the Standards Commission from time to time. Adherence to this policy does not absolve members of CIT and external contributors to CIT activities from any obligations they may have under the Acts or any other pertinent legislation.

## 9. Interpretations

For purposes of this policy, a “**Conflict of Interest**” shall be understood as **any situation in which an outside interest or consideration** (whether financial, personal, professional, or otherwise) **may, or may appear to, influence or compromise an individual’s decisions or actions taken in the course of discharging her/his professional obligations to CIT.**

An “Outside Interest or Consideration” in this context shall be understood as any interest or consideration not strictly pertinent to performance of the professional activity for which the individual is employed or engaged by CIT.

The interpretation of conflict of interest in this document encompasses actual, potential and perceived conflicts: “[A] conflict of interest exists whether or not decisions are actually affected by a personal interest; [it] implies only the potential for bias, not a likelihood.”<sup>1</sup> Individuals may not always be conscious of the effects of a conflict of interest on their own judgment<sup>2</sup>. A conflict of interest may be presumed where it may reasonably appear to an independent observer with knowledge of the relevant facts that the professional decisions or actions of an individual acting on behalf of CIT may be determined by a secondary, outside interest (be it financial or personal gain, professional advantage, intellectual bias, or any other interest)<sup>3</sup>.

Identification of a conflict of interest does not imply wrongdoing. Indeed, in many instances, the exercise of individual discretion to identify and disclose a conflict sufficiently minimises perceived bias and reputational risk to make further corrective or preventative action unnecessary.<sup>4</sup>

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<sup>1</sup> Columbia Center for New Media Teaching and Learning, Responsible Conduct in Research, Conflicts of Interest, 1.1, [http://ccnmtl.columbia.edu/projects/rcr/rcr\\_conflicts/foundation/#1](http://ccnmtl.columbia.edu/projects/rcr/rcr_conflicts/foundation/#1)

<sup>2</sup> American Association of University Professors, Statement on Conflicts of Interest, revised version November 2013, <http://www.aaup.org/report/statement-conflicts-interest>

<sup>3</sup> Ibid.

<sup>4</sup> See also University of Southern California, Policy on Conflict of Interest in Research, Section 1, March 2013, <http://policy.usc.edu/research-conflict-interest/>

## **10. Audiences**

This policy is addressed to all members of CIT engaged in the academic activities of the Institute. It is also addressed to external contributors to CIT's academic activities, and to CIT staff involved in the recruitment and appointment of such external contributors.

Good practice guidelines for avoidance of conflict of interest specifically in the appointment of external examiners for taught or research programmes and review panel members are given in Appendices 1 – 3 of this policy.

External appointees to these functions are referred to the relevant Appendix for initial guidance on the most significant conflict of interest issues pertinent to their specific role.

## **11. Responsible Officer(s)**

Responsibility for maintenance of this policy lies with the Office of the Registrar & Vice-President for Academic Affairs.

## **12. Policy**

### *1. Context*

The maintenance of public confidence in Cork Institute of Technology requires that Institute members as well as external contributors engaged in CIT's academic activities perform their duties with integrity and proper professional judgment, aspiring to the highest ethical, professional and academic standards. At the same time, in an outward-facing academic and research environment which seeks to foster two-way engagement, knowledge exchange and collaboration with a wide range of external partners it is neither possible nor desirable to forestall all activities and engagements which may at one point or another give rise to conflict of interest, whether actual or apparent.

Apart from conflicts related to financial benefit, as they frequently occur in research, other conflicts common to the academic context involve more intangible interests. For example, an external examiner for a viva voce examination in a specialised research area is likely to have interacted or collaborated with some or all of the candidate's supervisors and internal examiners, but may also compete with these, and with the candidate, for publication or career advancement opportunities. An external academic serving on a programme approval panel may be aware that a comparable programme is in development at her/his own institution, which, even though the market may sustain both programmes, may give a significant reputational boost to the academic's home department if it were to launch first.

The following section sets out the general principles for addressing conflict of interest in Cork Institute of Technology<sup>5</sup>. Section 3 discusses these in greater detail and sets out procedures for

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<sup>5</sup> In addition to the previously cited guidance and policy documents, this policy also draws on the following: Cornell University, Policy 4.14, *Conflicts of Interest and Commitment (Excluding Financial Conflict of Interest Related to Research)*, update Dec. 13, 2013, [http://www.dfa.cornell.edu/cms/treasurer/policyoffice/policies/volumes/governance/upload/vol4\\_14.pdf](http://www.dfa.cornell.edu/cms/treasurer/policyoffice/policies/volumes/governance/upload/vol4_14.pdf); DCU, *Conflict of Interest Policy and Guidelines*, March 2006, [https://www.dcu.ie/sites/default/files/president/pdfs/conflict\\_guidelines.pdf](https://www.dcu.ie/sites/default/files/president/pdfs/conflict_guidelines.pdf); NUI Maynooth, *Research and Commercialisation Conflict of Interest: Policy and Guidelines*, 2011, <https://www.maynoothuniversity.ie/>

disclosure and management, while Section 4 indicates the distribution of responsibilities. Finally, the Appendices provide conflict of interest guidelines specifically for external examiners and panellists, as well as CIT staff seeking to engage external contributors to carry out these functions.

## 2. General Principles

The following principles guide Cork Institute of Technology's approach to conflict of interest:

### 2.1 Basic Principle

Cork Institute of Technology expects that members of the Institute and any other individuals engaged in the academic activities of CIT will not enter into situations which may give rise to conflict of interest with regard to their professional obligations to CIT.

### 2.2 Disclosure

Conflicts of interest should be disclosed promptly and fully. Responsibility for disclosure lies first and foremost with the individuals whose outside interests give rise to the conflict.

### 2.3 Management

Upon disclosure, the designated Institute member or function will review the circumstances and decide on an appropriate course of action for managing the conflict of interest. In many cases, full and prompt disclosure will be the only measure required to manage the conflict.

### 2.4 Discontinuation

In cases where a conflict of interest cannot be managed, the Institute activity affected must not commence, or current arrangements must be discontinued where an activity is ongoing.

## 3. Discussion and Procedures

### 3.1 Evaluation and Arrangement of Interests

As a matter of course, members of CIT and external contributors to the Institute's academic activities should evaluate their interests for sources of potential conflict before they initiate an activity on behalf of the Institute. They should also be alert to conflicts of interest which may arise when circumstances change in the course of ongoing activities.

Wherever possible, interests which may compromise an individual's ability to exercise sound and unbiased professional judgment should be arranged so as to wholly avoid or resolve the conflict. Where this cannot be achieved, for example because the conflict arises from a past engagement, the conflict of interest must be disclosed.

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[sites/default/files/assets/document/Research%20and%20Commercialisation%20Conflict%20of%20Interest%20Policy.pdf](http://www.cit.ie/sites/default/files/assets/document/Research%20and%20Commercialisation%20Conflict%20of%20Interest%20Policy.pdf); UCC, *Procedures for Submission and Examination of Doctoral degrees and Procedures for Submission and Examination of Research Masters Degrees in University College Cork*, both Oct. 2013, <http://www.ucc.ie/calendar/postgraduate/Masters/Masters%20Examination%20Procedures%20%20201314.pdf> / <http://www.ucc.ie/calendar/postgraduate/Doctor/Doctoral%20Examination%20Procedures%20201314.pdf>; and Science Foundation Ireland, *Conflicts of Interest Policy for Staff Members*, [http://www.sfi.ie/assets/files/downloads/COI\\_Policy\\_SFI\\_Staff\\_Members.pdf](http://www.sfi.ie/assets/files/downloads/COI_Policy_SFI_Staff_Members.pdf).

Since apparent conflicts may be as damaging as actual ones, whenever an individual is in doubt as to the existence of a conflict of interest, the relevant circumstances should be disclosed.

### 3.2 Disclosure and Recording

Prompt and full formal disclosure should be made prior to the commencement of any new Institute activity or commitment which may be, or may appear to be, affected by a conflict of interest. Disclosure of the circumstances surrounding the conflict should be detailed enough to permit an informed, accurate and objective evaluation.

In cases where a conflict of interest emerges or arises in the course of an ongoing commitment, the conflict should be disclosed as soon as it is identified.

Disclosures should be made as well as received, recorded, and referred onwards with all due regard for the professional and personal integrity of all involved and the rights of the individual regarding privacy and confidentiality of personal information.

#### Conflicts of Interest Involving Members of CIT Staff:

Where the conflict of interest is disclosed by a member of CIT staff, disclosure should be made to the staff member's line manager in the first instance. Where a staff member's line manager is a party to the conflict, disclosure should be made to the next most senior person in the chain of responsibility.

#### Conflicts of Interest Involving External Contributors (Declaration of Interest):

Notwithstanding the fact that responsibility for disclosure lies with the individual with whom the conflict of interest arises, CIT units seeking to engage external contributors to their academic activities should draw the attention of contributors to this policy, and should as a rule seek a written declaration of interest prior to confirming the engagement.

Formal declarations of interest should always be sought, prior to engagement, from external contributors to activities related to examination and assessment, research projects and research degree provision, and academic quality assurance. Amongst others, this includes prospective external examiners, research supervisors, and members of academic validation and review panels.

Outside of these contexts, where it reasonably appears to the designated member of CIT staff that an intended external contribution to an academic Institute activity – such as delivery of a guest lecture on a module – is unlikely to engender conflict of interest for CIT or its members, the CIT unit may decide not to seek a declaration in the first instance.

Declarations of interest – whether indicating a conflict of interest, or the absence of one – should be made to the designated CIT point of contact.

Likewise, conflicts of interest arising for external contributors during ongoing Institute engagements should be disclosed to the designated CIT point of contact in the first instance.

Where warranted by the circumstances, or in case of doubt, the Institute contact receiving a disclosure should report the conflict of interest onwards to her/his line manager, who may take

a decision regarding management of the conflict, or may in turn refer the disclosure onwards to the appropriate Institute function or board.

Appearance of Conflict:

Identification and disclosure of a conflict of interest is first and foremost the responsibility of the individual(s) whose outside interests give rise to the conflict.

Where, however, it appears to a member of CIT or external contributor, based on specific factual circumstances, that another individual may have an unidentified or undisclosed conflict of interest in relation to a CIT activity, it is within their discretion to notify the perceived conflict to the Institute member responsible for directing the activity (normally, a head of unit or function)<sup>6</sup>.

Upon evaluation of the reported circumstances, the CIT staff member receiving the notification may decide that no action is required at this point, may decide to approach the individual concerned with a request to assess and declare her/his outside interest(s), or may in turn refer the issue to her/his own line manager.

Recording:

Formal disclosure of a conflict of interest should be made and acknowledged in writing.

Declarations of interest from external contributors should likewise be sought, provided and acknowledged in writing, including explicit declarations of absence of conflict.

Communication by email will normally suffice, unless confidentiality requirements necessitate a more private and secure form of written communication.

Where informal advice on a specific potential conflict of interest is sought and provided, the Institute member acting in an advisory capacity should make a note of this and should notify the advisee accordingly. Having sought and obtained informal advice does not relieve an individual from the need for prompt formal disclosure where a conflict is identified, nor does it relieve an external contributor from providing a formal declaration of interest when requested by CIT.

### 3.3 Management

Following disclosure, the appropriate Institute member(s) or board(s) will review the facts and decide on the management of the conflict.

Where the initial disclosure is deemed sufficient to avert the attendant risks or contain them within tolerable limits, no further action may be necessary.

Additional measures may include, for example, wider disclosure of the conflict within or outside of CIT, modification of the intended Institute activity or limitation of the role of the conflicted individual therein, appointment of a monitoring function (such as a second external supervisor), or a requirement to report on the conflict at set intervals to designated Institute functions.

Cork Institute of Technology and its members are committed to managing conflicts of interest in a manner that is ethical, responsible and transparent, and which safeguards to the greatest

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<sup>6</sup> Except where there may be a legal or ethical obligation to report observations made.

extent possible the professional and personal integrity of the parties involved and the good standing of CIT, its members and external contributors to its activities.

#### 3.4 Discontinuation

Where a conflict of interest pertaining to a planned CIT activity cannot be managed, the activity must not commence until alternative arrangements have been put in place which remove all sources of conflict. In some cases, the intended activity may need to be abandoned altogether.

Where a conflict emerges or arises during an ongoing activity, current arrangements must likewise be promptly discontinued, and the activity suspended until suitable alternative arrangements have been implemented. In extremis, the Institute may be obliged to cease an existing activity altogether. In such a case, due regard would need to be given to all statutory obligations e.g. with regard to learner protection.

Where an unmanageable conflict involves an external contributor, engagement of this individual must not proceed, or must cease if the conflict is identified during an ongoing commitment. In the latter case, it may be necessary to review the overall arrangements for the activity in order to contain any risk arising from the past involvement of the contributor.

## 4. *Dedicated Roles and Responsibilities*

### 4.1 CIT Staff

Executive responsibility for receipt of disclosures and management of conflicts of interest arising for members of Institute staff lies with the staff member's line manager (normally, the head of CIT unit or function) or her/his appointee.

### 4.2 External Contributors

Executive responsibility for receipt of disclosures and management of conflicts of interest arising for external contributors lies with the head of the CIT unit or function seeking the external contribution or her/his appointee.

### 4.3 Referral

In case of doubt, or where the ramifications of a conflict may extend beyond the individual CIT unit or function, disclosures should be referred onwards in a prompt and full manner, following the chain of responsibility, to the CIT function or board with the requisite level of oversight for effective evaluation and management of the conflict. The same principle applies to notifications of perceived conflict.

### 4.4 Record-Keeping

Heads of CIT units/functions should make appropriate arrangements for the keeping of records on declarations and disclosures of interest and on decisions taken to manage or refer conflicts of interest, giving due regard at all times to the professional and personal integrity of all involved and the rights of the individual regarding privacy and confidentiality of personal information.



## *5. Review*

This policy shall be reviewed by the Academic Council of Cork Institute of Technology in consultation with the Institute Executive at intervals not exceeding two years. Responsibility for initiating the review lies with the Office of the Registrar & Vice-President for Academic Affairs.

### *Appendix 1: Avoiding Conflict of Interest in the Selection of Panel Members for Academic Validation and Review Panels – Guidelines*

To avoid some of the more common sources of conflict of interest in the context of academic reviews, the following principles of good practice require specific attention when recruiting panel members:

1. Panellists should not have had any previous involvement in putting together the programme under review or in writing any of the attached modules.
2. Panellists should not be in a family or other close relationship with members of the proposing or programme team.
3. Panellists should not have any other links with members of the programme team, or with other members of the Validation Panel, which may compromise, or be perceived to compromise, the proper discharge by the panellist of her/his duties.

#### Internal Panellists Specifically:

4. Internal panellists shall not be in a direct reporting relationship with any member of the proposing team.
5. Internal panellists should not come from the sponsoring School. Exceptions require prior sign-off from the Office of the Registrar & Vice-President for Academic Affairs.

#### External Panellists Specifically:

6. External panellists shall not have acted as External Examiners for any programme of the sponsoring Department within (3) years prior to the panel date.

*Appendix 2: Avoiding Conflict of Interest in the Recruitment of the External Examiners for Taught Modules and Programmes – Guidelines*

To avoid some of the more common sources of conflict of interest in the context of external examination, the following principles of good practice require specific attention when recruiting external examiners for CIT taught modules and programmes:

1. The External Examiner for a specific module or a group of modules within a subject stream (such as a language) should not be in a family or other close relationship with any member of the module staff, the School sponsoring the module(s), or any external organisation contributing significantly to delivery of the relevant modules (e.g. by offering work placements).
2. The External Examiner for a taught programme or group of programmes should not be in a family or other close relationship with any member of the programme staff, the School sponsoring the programme(s), or any external organisation contributing significantly to delivery of the relevant programme(s) (e.g. by offering work placements).
3. On conclusion of a period of appointment, an External Examiner shall not be reappointed in that capacity for any module or programme sponsored by the School for at least (3) consecutive academic years.

### *Appendix 3: Avoiding Conflict in the Recruitment of the External Examiners for Research Degree Programmes – Guidelines*

To avoid some of the more common sources of conflict of interest in the context of external examination, the following principles of good practice require specific attention when recruiting external examiners for Masters' and doctoral research degree programmes:

1. The External Research Examiner shall not have acted as the candidate's internal or external supervisor.
2. The External Research Examiner should not be in a family or other close relationship with the candidate, supervisor(s), or any member of the department or research unit sponsoring or substantially contributing to the research programme.
3. The External Research Examiner should not have acted as an employer of the candidate in the past, or be aware, at the time of examination, that s/he will be an employer of the candidate in future.
4. The External Research Examiner should not have acted as an advisor to the candidate on matters directly pertinent to the research programme.
5. The External Research Examiner should not have been a staff member or student of CIT in the (5) years preceding the examination, or for the duration of the research programme if this exceeds (5) years.
6. The External Research Examiner should not normally have examined the thesis of another candidate under the same CIT supervisor(s) within (3) years preceding the date of the examination. Where there is a reasoned case for an exception on the basis of an examiner's required specialist expertise, this should be made to the Dean of Graduate Studies by the designated CIT staff member (normally, the head of CIT unit or function).
7. The External Research Examiner should not have shared authorship of a peer-reviewed publication or conference paper with either the supervisor(s) or candidate within (3) years preceding the date of the examination or since the date of first registration of the student, whichever is longer. For doctoral candidates transferred from the Masters' Register, the date of first registration refers to the date of registration on the Master's register.
8. The External Research Examiner should not normally be drawn from an institution or organisation located in Munster. Where there is a reasoned case for an exception on the basis of an examiner's required specialist expertise, this should be made to the Dean of Graduate Studies by the designated CIT staff member (normally, the head of CIT unit or function).