CONFLICT OF INTEREST POLICY


Pembroke Policy drafted 4th August 2015

1. Introduction

1.1. The University has adopted a policy to address conflicts of interest so as to ensure that its activities, and those of its staff and students, are and are seen to be conducted to the highest standards of ethics and integrity. Pembroke College, as a constituent College of the University, abides by the same conflict of interest policy. An adapted policy is set out below specifically for academic staff employed by the College.

1.2. Pembroke College encourages members of its staff to engage in a wide variety of external activities, such as serving on government, business and community boards, providing expert advice, media commentary, professional practice, schools outreach, international projects and collaborations with the commercial world, including via consultancy, research and development, intellectual property (IP) licensing and involvement in ‘spinout’ companies.

1.3. The College considers that such activities are in the public interest and are also of benefit to the College and the individuals concerned.

1.4. On occasion, however, they may give rise to conflicts of interest, whether potential or actual, perceived or alleged.

1.5. All College staff and students are required to recognise and disclose activities that might give rise to conflicts of interest or the perception of conflicts and to ensure that such conflicts are seen to be properly managed or avoided.

1.6. If properly managed, activities can usually proceed as normal whilst at the same time upholding the person’s obligations to the Collegiate University, meeting regulatory and other external requirements and protecting the integrity and reputation of the College and its members. By contrast, conflicts which are not managed effectively may jeopardise the public standing of the College and may cause serious damage to the reputation of the College and of the individuals concerned.

1.7. It is therefore the University’s policy to encourage and foster external activities whilst ensuring that when conflicts or perceived conflicts of interest arise they are acknowledged and disclosed, and in relevant cases, properly managed

2. Scope

2.1. This Policy applies to all staff and students of the College, to all external members of Governing Body and its committees and all others working in the College, such as Research Fellows who hold grants but are not current members of staff of the College, for example retired members who are still conducting research. A reference in this Policy to staff or students includes any person within the scope of the Policy.

2.2. It is the responsibility of each individual to recognise situations in which he or she has a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to the
appropriate person and to take such further steps as may be appropriate as set out in more detail under the procedure below (see further in Section D below).

2.3. If an individual is uncertain about how this Policy might affect his or her activities or has any questions about its application, he or she should contact the Master or a College Officer (Academic Director, Finance Bursar or Home Bursar) or the Secretary of the University Committee on Conflict of Interest (coisec@admin.ox.ac.uk).

3. Recognising Conflict of Interest

3.1. A conflict of interest arises where the commitments and obligations owed by an individual member of staff or student to the College or to other bodies, for example a funding body, are likely to be compromised, or may appear to be compromised, by:

(i) that person's personal gain, or gain to immediate family (or a person with whom the person has a close personal relationship), whether financial or otherwise; or

(ii) the commitments and obligations that person owes to another person or body.

3.2. For the purpose of this policy, ‘immediate family’ is defined as follows: spouse or civil partner, son, daughter. However, the ‘close personal relationship’ giving rise to an interest could extend to the following (this is not intended to be an exhaustive list): unmarried partner, parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, the (unrelated) child of an unmarried partner, as well as adopted, half and step members of family.

3.3. There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. Thus it is important for all staff and students when evaluating a potential conflict of interest to consider how it might be perceived by others.

3.4. The duty to declare a possible conflict applies to the perception of the situation rather than the actual existence of a conflict. However, the duty is not infringed if the situation cannot reasonably be regarded as likely to give rise to a conflict of interest.

3.5. Conflicts of interest may be financial or non-financial or both. Further information about both types is set out below.

4. Financial conflicts of interest

4.1. A financial conflict of interest, for the purposes of this Policy, is one where there is or appears to be opportunity for personal financial gain, financial gain to close relatives or close friends, or where it might be reasonable for another party to take the view that financial benefits might affect that person’s actions.

Financial interest means anything of monetary value, for example:

(i) payments for services;

(ii) equity interests (e.g. stocks, stock options or other ownership interests); and/or

(iii) intellectual property rights (e.g. patents, copyrights and royalties from such rights).

4.2. The level of financial interest is not the determining factor as to whether a conflict should be disclosed. What might be ‘not material’ or ‘not significant’ for one person might be very significant for another. Good practice in many situations will mean the disclosure of ‘any’ financial interest, however small. A conflict will arise if the interest might provide, or be reasonably seen by others, to provide an incentive to the individual which affects their actions and where he or she has the opportunity to affect a College decision or other activity (because for example he or she is the decision-maker or the principal investigator on a research project). For examples of conflicts involving financial interest see Appendix A and the University guidelines.

5. Non-financial conflicts of interest
5.1. Non-financial interests can also come into conflict, or be perceived to come into conflict, with a person’s obligations or commitments to the College or other body of which he or she is a trustee. Such non-financial interest may include any benefit or advantage, including, but not limited to, direct or indirect enhancement of an individual’s career, education or gain to immediate family (or a person with whom the person has a close personal relationship). For examples of non-financial conflicts of interest see Appendix A and the University guidelines.

6. Procedure

6.1. It is the duty of every member of staff or student to disclose any conflict of interest or any circumstances that might reasonably give rise to the perception of conflict of interest. Apparent or perceived conflicts of interest can be as damaging as actual conflicts of interest.

6.2. The general rule, with the exception of committee business (see paragraph 28), is that disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived, in writing to the Master one of the College Officers (Academic Director, Finance Bursar or Home Bursar). If the relevant Officer has an interest in the matter to be discussed, the disclosure shall be made to an alternative officer.

6.3. In the case of undergraduate students, the student should discuss the relevant issues with his or her Tutor or the Academic Director, who, where appropriate, will consult with the Head of Department following which an approach for dealing with the conflict might be agreed. In the case of postgraduate students, this discussion should be had with the student’s supervisor. Where the conflict of interest arises between the interests of the supervisor and the student, the student should discuss the matter with the Academic Director, or the person responsible for postgraduate students in the department, for example the Director of Graduate Studies.

6.4. Many situations will require nothing more than a declaration and a brief written record of that declaration, which must be held in the department’s or college’s records.

6.5. Some instances will however need to be dealt with by agreeing how the conflict can be actively managed. The approach adopted should be documented and copies provided to the relevant parties. A copy of the final plan must be held in the department’s records. One or more of the following strategies may be appropriate to manage the conflict of interest:

(i) not taking part in discussions of certain matters;
(ii) not taking part in decisions in relation to certain matters;
(iii) referring to others certain matters for decision;
(iv) resolving not to act as a particular person’s supervisor;
(v) divesting or placing in trust certain financial interests;
(vi) publishing a notice of interest;
(vii) standing aside from any involvement in a particular project;
(viii) declaring an interest to a particular sponsor or third party.

It is the responsibility of those affected to comply with the approach that has been agreed.

6.6. If there is any unresolved matter in the College, the matter may be referred to the Conflict of Interest Committee for advice. In cases of particular difficulty, the Conflict of Interest Committee may refer its recommendations to the General Purposes Committee of Council (GPC) for advice or resolution.

6.7. Guidance on situations that are frequently encountered and which may give rise to particular kinds of conflicts requiring special action is set out at Appendix A.

7. Committee meetings:
7.1. At their first meeting of the academic year, each committee within the College should have a standing item on their agenda about conflict of interest. This item should cover what a conflict of interest is and how the members of the committee should declare such an interest if and when such a circumstance arises.

7.2. It is also recommended that committees adopt the practice of including a similar statement to the following in each agenda:

‘Members of [Name] Committee will be asked to declare any interest that could give rise to conflict in relation to any item on the agenda at the beginning of the item in question. All interests so disclosed will be recorded in the minutes of the Committee. If the chairman of the meeting deems it appropriate, the member shall absent himself or herself from all or part of the Committee’s discussion of the matter.’

8. Annual declaration of external interests:

8.1. In addition to declaring any conflict or potential conflict in accordance with the procedure above, all college Officers and members of Governing Body shall be required to submit an annual declaration of external interests to the Conflict of Interest Committee:

8.2. Persons with grounds to inspect declarations of conflict of interest shall be allowed access at the discretion of the Chairman of the Conflict of Interest Committee.

9. Other sources of information

The Charity Commission has produced helpful guidance on conflicts of interest which can be accessed at: www.charitycommission.gov.uk/detailed-guidance/trustees-staff-and-volunteers/managingconflicts-of-interest-a-guide-for-trustees

APPENDIX A – Examples of potential conflict of interest in a college context

Student Supervision and Teaching:

Examples of situations that give rise to conflicts of interest in relation to student supervision and teaching include:

- Staff with a close personal or familial relationship with a student or a student’s family who may be involved in decisions about that student’s admission, supervision or academic progress, or the award of any studentships, prizes or other grants to the student.

- An academic or a non-academic member of staff who is on the Board of Governors of a school who may be involved in considering a student from that school for an undergraduate place.

- A member of staff who is in a position to judge the quality of a student’s work or to evaluate a student in any way holds or proposes to take a financial stake or hold a formal position in any student-run, -owned or -controlled commercial venture whilst that student is enrolled at the University.

- A postgraduate research student receiving support from a company in which his/her academic supervisor has a financial interest or position.

Sale, supply or purchase of goods or services

Staff must ensure the probity of all financial transactions. The sale or supply of goods by the College or the purchase of goods or services by the College must be carried out in accordance with the College’s Financial Regulations. Staff should not normally be involved in supply or purchase decisions in relation to any external organisation in which they or any members of their family or any person with whom they have a close personal relationship have a financial interest or in any way have the capacity for personal gain. If
there are exceptional circumstances that prima facie require such involvement, the following process should be followed:

- the person should disclose, in writing to the relevant College Officer (Academic Director, Finance Bursar or home Bursar), the nature of the transaction, the potential conflict and the method proposed to manage the conflict;
- they and the College Officer must formulate a proposed plan/approach that protects the University and ensures compliance with the law and the integrity of the transaction(s) and the individuals involved; and
- the College Officer must then seek approval of that plan from the Finance Bursar.

**Other examples of possible conflicts of interest:**

- Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the staff member has a close personal relationship.
- A researcher has a financial interest in the licensee (or proposed licensee) of University intellectual property.
- A staff member takes part in the negotiation of a contract between the College and a company, where the staff member or his or her family or a close personal friend has a financial or non-financial interest (e.g. a directorship) in that company.
- An academic who has a senior editorial position with a commercial journal is also on a College library committee that recommends journal subscriptions.
- An academic chairs a University committee which is to consider the allocation of funds to be shared between a number of colleges, including his/her own.