

Title: **Conflict of Interest Related to Research**

Category:

Policy No.: **B3005**

Replaces: New Policy

Applicability: All Employees, Students, and other Individuals, either paid or volunteer, involved in Research or Scholarly Activity at or through Langara College

Effective Date: July 21, 2011

Source(s): Langara Council

Approval: _____
President

1. PURPOSE

- 1.1 Assure the maintenance of the public trust through disclosure and the management of potential conflicts of interest.
- 1.2 Assure that the management of the disclosure process protects the individuals named under "Applicability" above and the institution while facilitating the research.
- 1.3 Assure the appropriate use of resources in the conduct of research.

2. DEFINITIONS

Conflict of Interest: Conflicts of interest are real, perceived or potential situations in which the judgments and subsequent actions of individuals, institutions or other entities could be affected because of multiple, competing interests. Conflicts of interest may include financial, personal, or organizational situations that place a Researcher in a potentially compromised position. For example,

- Financial interests may be described as an opportunity to receive any ownership interest in a single entity or anything having a monetary value, 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).

- Personal conflicts involve a related party and extend to a Researcher’s immediate family member (e.g. spouse, child, parent or sibling), or other person living in the same household, or any other person with whom the Member shares a Financial Interest, either directly or indirectly.
- Organizational situations may arise when a Researcher has connections with one or more Special Interest Groups, described as a formal or informal organization of individuals or communities which has a goal of changing government political, economic, or social policy, broadly defined, as regards a particular cause or pecuniary interest.

Researcher: An Employee, Student, or other Individual, either paid or volunteer, involved in Research or Scholarly Activity at or through Langara College.

Research or Scholarly Activity: An undertaking intended to extend knowledge through a disciplined inquiry or systematic investigation.

3. AUTHORITY

3.1 Related Acts and Regulations:

B.C. Freedom of Information and Protection of Privacy Act

3.2 Related Policies:

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| Conflict of Interest | B3003 |
| Integrity in Research | B3004 |
| Ethical Conduct for Research Involving Humans | B5007 |

4. RELATIONSHIPS WITH COLLECTIVE AGREEMENTS

B.C. Nurses’ Union Collective Agreement

Canadian Union of Public Employees, Local 15, VMECW Collective Agreement

Langara College Administrators’ Association Terms of Employment

Langara Faculty Association Collective Agreement

5. POLICY

5.1 Langara College is a publicly-funded institution of learning and all Researchers must consistently and always act in a manner that instills public trust and confidence in the College, and act in such a way as to uphold honesty, respect, fairness, and equality in all undertakings.

- 5.2 The Vice President Academic or delegate will ensure that all Researchers are aware of the contents of this policy.
- 5.3 Researchers should recognize that it is preferable to avoid or prevent being in a position of conflict of interest, if possible.
- 5.4 When it is not possible to avoid a conflict of interest, then it is the responsibility of the Researcher to immediately disclose the Conflict to the Vice President Academic or delegate.
- 5.5 Outside parties, who have reasonable reason to believe that an undisclosed conflict of interest exists, may also make application to the Vice President Academic or delegate to investigate.
- 5.6 Whenever there is a change of circumstances leading to a conflict of interest, Researchers must disclose the conflict to the Vice President Academic or delegate.

6. GUIDELINES/STANDARDS

The following may be used as a guide when examining real or perceived conflicts of interest:

- a) Would the researcher be biased in any way that would affect the goals of the research?
- b) Would an outside observer question the ability of the individual to make a proper decision despite possible considerations of private or personal interests?

7. EXCEPTIONS

Not Applicable.

8. PROCEDURES

- 8.1 Any potential conflict of interest will be voluntarily disclosed in writing by the Researcher to the Vice President Academic or delegate.
 - 8.1.1 A conflict is to be allowed only when it can be managed in a way that protects and serves the interests, integrity, and reputation of the College as well as its legal and contractual obligations and will stand the test of reasonable and independent scrutiny.

- 8.1.2 Where the Vice President Academic or delegate is satisfied that the Researcher can conduct the research without compromise, the Vice President Academic or delegate will provide a letter stating the same.
- 8.1.3 Where the Vice President Academic or delegate determines that a more structured review is required, the Vice President Academic or delegate will name an Ad Hoc Conflict of Interest Resolution Committee to review voluntarily disclosed conflicts of interest. The Ad Hoc Committee will move to assess and resolve the potential conflict in a timely, fair, and open manner.
- 8.1.4 The Ad Hoc Conflict of Interest Resolution Committee will consist of:
- Two peers.
 - The Vice President Academic or delegate
- 8.1.5 The Ad Hoc Conflict of Interest Resolution Committee will communicate in writing with the Researcher regarding any decision with respect to the Conflict, and clearly outline any conditions of managing the Conflict.
- 8.1.6 If necessary, Researchers will be given the opportunity to relinquish or modify those interests that are conflicting such that the Ad Hoc Conflict of Interest Resolution Committee is satisfied.
- 8.1.7 In the interest of facilitating research, the Ad Hoc Committee will make reasonable attempts to provide a means of managing the Conflict, rather than simple disallowing the research for the sake of avoiding a conflict of interest.
- 8.2 An allegation of an undisclosed conflict of interest may come from various sources inside or outside Langara College. For example, the allegation may come from a member of faculty or staff, a College administrator, a granting source, a student, a member of the general public, a media report or an anonymous source. The ability of the College to investigate an allegation may be hampered if it is from an anonymous or uncooperative source, and investigations are always subject to principles of Natural Justice.
- 8.2.1 Upon receipt and review of an allegation, the Vice-President Academic may do any or all of the following:
- request that the allegation be made in writing;
 - request additional information regarding the allegation;
 - inquire into the allegation further;
 - request that the relevant unit of the College review the matter, or some aspect of the matter, and report to the Vice-President Academic; and

- appoint an individual(s) to review the matter, or some aspect of the matter, and report to the Vice-President Academic
- 8.2.2 Prior to making a decision the Vice-President Academic may do any or all of the following
- dismiss the allegation;
 - inform the person(s) named in the allegation in writing of the allegation and appoint an Investigative Committee to perform a formal investigation of the allegation, if in the judgment of the Vice-President Academic the allegation has sufficient substance to warrant an investigation; and
 - take such other action as the Vice-President Academic deems appropriate.
- 8.2.3 Within ten (10) working days of deciding to hold a formal investigation the Vice-President Academic will:
1. provide the respondent with relevant documentation related to the allegation(s); and
 2. establish a committee of three independent persons, with relevant experience in the area of research involved in the particular case, to conduct an investigation. No member of the respondent's department/school will be part of the committee. Persons external to the College may be appointed at the discretion of the Vice-President Academic.
- 8.2.4 The College will protect the privacy of the person(s) accused and of the person(s) making the allegations as far as is possible given the need for due process in conducting the investigation.
- 8.2.5 In all proceedings and subsequent to a final decision, the College will undertake to assure that those making an allegation in good faith and without demonstrably malicious intent are protected from reprisals or harassment. False allegations made purposefully will lead to discipline by the College for the individual making the allegation.
- 8.2.6 To protect agency funding, if deemed necessary, the Vice-President Academic may withhold research funds until matters of misconduct are resolved.
- 8.2.7 Within ten (10) working days of its receipt of the allegation, the Committee will meet with the complainant and respondent(s) and discuss the nature of the allegation(s) and the circumstances surrounding it. Additional interviews may be

held and documentation reviewed depending on the circumstances.

- 8.2.8 Complainants as well as respondents will be given an opportunity to give their version of the facts to the investigating committee, and both will be available to ensure a timely resolution to the complaint.
- 8.2.9 The Committee will report its findings and recommendations to the Vice-President Academic only, within 30 days of being established. The Committee's decision regarding misconduct is final and binding on the College. The Report will include:
- A copy of the allegation;
 - Membership of the Investigative Committee;
 - Investigative methods, including documentation of the investigative process;
 - Individuals interviewed or supplying information;
 - Documents reviewed;
 - Legal advice, if sought;
 - Additional information such as the respondent's written response to the complaint, verbal information gathered from interviews;
 - The findings for each of the allegations along with supporting rationale; and
 - Other relevant details.
- 8.2.10 If upon reviewing the report the Vice-President Academic believes the complaint is without foundation, the Vice-President Academic will dismiss the complaint and immediately advise the complainant and the respondent with a written response outlining the reasons for this decision. Based on the findings, the Vice-President Academic may require the complainant, or others, to take action to protect or restore the reputation or credibility of a wrongly accused researcher, including procedures to ensure that if the complaint has been dismissed then copies of documents and related files provided to third parties will be destroyed. A copy of the report will be forwarded to the funding agency within 30 days of receipt.
- 8.2.11 If the Vice-President Academic determines that the researcher has acted in a way that violates this policy, the Vice-President Academic will determine any actions or sanctions to be taken and will communicate these in writing to the respondent and to others as may be appropriate given the circumstances. Such information will be imparted to the funding agencies as soon as possible, but not later than 30 days following receipt of the Committee's report. Any related collective agreement issues or appeals open to the respondent through the collective

agreement will be noted in the communiqué to the respondent and to the funding agency.

8.2.12 The Vice-President Academic will determine actions to be taken which may include, but are not limited to:

- Sanctions against the respondent
- Actions to protect or restore the reputation of the respondent
- Actions to protect a complainant
- Sanctions against a complainant

8.2.13 In the case of students, sanctions are defined in *Policy F1004 – Academic Conduct*.

8.3 Privacy and Confidentiality

8.3.1 The privacy and confidentiality of the Researcher who voluntarily discloses a potential conflict of interest will be protected as far as is possible given the need for due process in pursuing an inquiry related to the elements of the disclosure.

8.3.2 The privacy of both the complainant and the respondent will be protected as far as is possible given the need for due process in pursuing an inquiry and reporting the findings. In the case of a researcher being wrongly accused, all documents or files provided to a third party will be destroyed at the conclusion of the investigation.

8.3.3 The Office of the Vice-President Academic will be responsible for keeping and controlling appropriate access to records. Such records will be kept in accordance with the College's *Records and Information Management Policy* (B5010) and *Access to Information Policy* (B5001).

8.3.4 If the investigation is at the request of the funding agency, all findings and actions taken will be reported to the funding agency (within 30 days).