



**UNIVERSITY OF
LIMERICK**
OLLSCOIL LUIMNIGH

University of Limerick

POLICY FOR CONFLICTS OF INTEREST

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1 Introduction

1.1 Overview and Purpose of this Policy

This Policy sets out the University of Limerick's approach to the management and avoidance of conflicts of interest at the University. This Policy upholds the provisions of the Code of Conduct for Employees as they pertain to Conflicts of Interest.

The University of Limerick is committed to building an academic and professional environment that is underpinned by the highest standards of integrity. It is understood that in a healthy and vibrant community, conflicts of interest will arise. Equally, it is acknowledged that it is likely for individuals to whom this Policy applies to have external interests which run parallel to, or have no connection whatsoever with the interests of the University of Limerick.

This Policy codifies and sets out principles which apply where individuals' interests are contrary to those of the University of Limerick. It is designed to promote and support the awareness and appropriate management and avoidance of actual, potential or perceived conflicts of interest when they occur. The implementation of this Policy will protect both the University and individuals to whom it applies from the negative consequences of conflicts of interest going unchecked.

This Policy does not undermine principles of academic freedom as established in the *University of Limerick Code of Governance* and the *Universities Act 1997*. The principles governing the disclosure, assessment and management of conflicts of interest are informed by the University's codes, policies and procedures as listed hereunder (Related UL Documents) and by the Review of IP Management and Conflicts of Interest (KTI/ HEA 2017).

1.2 Scope

1.2.1 *To whom does the Policy apply?*

The Policy applies to:

- a. Full and part-time employees in the conduct of their duties as employees¹ of the University of Limerick;
- b. Individuals engaged by the University under a contract for goods or services;
- c. Volunteers, appointees and other unpaid individuals performing duties or services or exercising control on behalf of the University.

The Policy applies to these categories of people, regardless of whether they also fall into a category of persons not covered by the scope of this Policy. For instance, part-time employees who are also students of the University, or employees who are also members of the Governing Authority.

1.2.2 *Connected persons or entities*

This Policy applies to a conflict arising in relation to persons or entities 'closely connected' to individuals covered by the scope of this Policy. "Connected persons" are as defined in the Code of Conduct for Employees and may include:

¹

An employee is defined as any any person who is working under a temporary or permanent contract at or for the University of Limerick. This includes all casual, joint and adjunct employees and appointees.

- a. Spouse, partner or relatives to include parent, brother, sister, child or step-child;
- b. Entities external to the University with which the individual is associated;
- c. Persons acting as the trustee of any trust of which the individual (or any other closely connected person or entity to that individual) is a beneficiary, and;
- d. Persons acting as a business partner of the individual (or any other closely connected person or entity to that individual).

Such a conflict may arise for example in a situation where an individual covered by the scope of this Policy is in a position to influence or be perceived to be able to influence, directly or indirectly, University business, research, or other decisions in ways that could lead to personal gain for themselves and/or Connected Persons.

1.2.3 Who is responsible for implementing the Policy?

- a. Ultimate responsibility for establishing Policy for the avoidance of conflicts of interest rests with the Governing Authority. This Policy is established by the Governing Authority under Section 18 (3) of the Universities Act 1997 and Section 15 of the Third Schedule of the same Act.
- b. It is the shared responsibility of all employees of the University to identify and where appropriate, to manage conflicts of interest and to raise concerns about potential or perceived or actual conflicts.
- c. Employees have a duty to disclose relevant interests they may hold or those of Connected Persons in the best interests of the University by declaring these interests to their line manager. The primary responsibility rests with each individual to identify situations in which any actual, potential or perceived conflict of interest on their part might reasonably arise, and to disclose such situations to their line manager by taking the appropriate steps set out in this Policy.
- d. Operational responsibility for the management of actual or perceived conflicts of interest is a line-management issue. This means that disclosure in the first instance should be to the relevant individual's line manager. In the case of a contract for goods or services disclosure should be made to the appropriate contract liaison.

2 Conflicts of Interest

2.1 Definition of Conflicts of Interest

For the purpose of this policy “Conflict(s) of Interest” is defined as and includes the following types of conflict:

- a. An **actual conflict of interests** emerges when individuals within the scope of this Policy have personal interests which:
 - conflict with the interests of the University of Limerick;
 - conflict with their responsibility to act in the best interests of the University;
 - put into question the independence, impartiality and objectiveness that they are obliged to exercise in the performance of their duties.
- b. A **perceived conflict of interests** may arise when individuals within the scope of this Policy appear to have, in the opinion of a fair-minded and well-advised person, personal interests that are sufficient to put into question the independence, impartiality and objectiveness that they are obliged to exercise in the performance of their duties.
- c. A **potential conflict of interests** describes a situation that could develop into an actual or perceived conflict of interests.

Personal interests may include (but are not limited to):

- a. The performance of financial or other economic investments, including occupational income, shares, directorships, etc.;
- b. Personal or family ambition, wealth or status gain, and;
- c. The achievement or realisation of particular political, academic, economic or social objectives.

The personal interests could be direct or indirect and include the interest of a Connected Person. An indicative, non-exhaustive list of potential situations that may result in a Conflict of Interest should they remain undeclared and unmanaged, as well as the manner in which such conflicts can be identified and managed, are set out at Appendix II.

The University of Limerick’s Interests

In general, the University of Limerick’s interests can be summarised as everything that supports the pursuit of:

The education and assessment of students, the conduct of academic research and the management of the University itself; and any academic, social or corporate activity that the University engages in, funds or procures in support of these activities.

3 Principles for Identifying and Managing Conflicts of Interest

3.1 Duty to Disclose

- a. Individuals within the scope of this Policy **must** always disclose an interest that may present a Conflict of Interest in accordance with the procedure outlined in Section 4 below.
- b. Where there is a doubt as to whether the activity may constitute a Conflict of Interest, then individuals **must** act as though the activity is an actual Conflict of Interest.
- c. Individuals **may not** themselves determine whether there is a Conflict of Interest and if so how such conflict should be managed.

3.2 Obligations, Terms and Conditions of Contracts of Employment and/or for Contracts for Services

- a. Individuals within the scope of this Policy, are first and foremost bound to fulfil the terms and conditions of their engagement with the University (as set out, for example, in a contract of employment). Adhering to the duties and responsibilities of their roles is the primary means for avoiding Conflicts of Interest.
- b. Failure to disclose a Conflict of Interest will always constitute a breach of the terms and conditions of individuals' engagement with the University.
- c. Where individuals have another contract or duty outside of their duties for the University of Limerick which may impair or be inconsistent with the performance of their contract or duties or which conflicts with the interests of the University, this **must** be disclosed.
- d. Where an individual who is an employee/contractor is also a student of the University of Limerick, this fact **must** be disclosed as a potential Conflict of Interest, and no person responsible for the individual's academic progress may also be responsible for supervision of their employee/contractor duties to the University.

3.3 Loyalty

- a. Individuals within the scope of this Policy have a duty of trust and confidence to the University and are required, while engaged in University duties to accord their primary professional loyalty to the University.
- b. Employees in particular are expected to arrange outside obligations, personal interests and activities so as not to conflict with their overriding commitment to the University.

4 Procedure for Identification, Disclosure and Management of Conflicts of Interest

4.1 Disclosure of Interest

4.1.1 *By individuals with the Conflict of Interest*

- a. This policy cannot be exhaustive and cannot outline all scenarios where a Conflict of Interest may occur. In circumstances where individuals are unsure as to whether or not a Conflict of Interest exists, they should seek advice from their line manager who may consult with the Director, Human Resources, or in the case of a research related conflict, with the Vice President of Research on the matter.
- b. Where individuals either first become aware of the Conflict of Interest, or first come within the scope of this Policy, they are required to complete and submit the Declaration of Interests Form, appended to this Policy, to their line manager (or equivalent).

4.1.2 *By individuals within the scope of this Policy, who are not the conflicted individual*

- a. Where individuals within the scope of this Policy become aware of a Conflict of Interest of other individual(s) within the scope of this Policy, they **must** take action to ensure that the Conflict of Interest is disclosed as follows:
 - i. It is common to attempt to resolve issues such as this in the first instance by informally discussing the situation with the relevant individual to whom the Conflict of Interest applies and to encourage the individual to follow this procedure. However, it is acknowledged that this approach may not always be practical or possible.
 - ii. Where an informal approach is not possible or does not resolve the issue, the Conflict of Interest should be reported to²:
 - The individual's line manager in the case of an employee;
 - The relevant contract liaison in the case of a contractor for goods or services, or;
 - The Office of the Director of Human Resources, where no obvious other reporting route is available.
 - iii. The person to whom the report is made completes the Declaration of Interests Form in Part A.

² Notwithstanding the University and State's policy for and approach to protected disclosures

4.2 Assessment of the Disclosure

- a. Upon receipt of a written disclosure (as a completed Part A of the Declaration of Interest Form) of a Conflict of Interest the line manager (or equivalent) takes the following steps:
 - i. Arrange to discuss the issue with the relevant individual as soon as is reasonably practicable.
 - ii. If necessary, consult with the Office of the Director of Human Resources, the Vice President of Research, their own line manager or any other relevant office or department within the University of Limerick on the issue.
 - iii. Having discussed the issue with the relevant individual and consulted appropriately, determine if a Conflict of Interest exists.
 - iv. Having taken the steps as outlined above, if it is determined that a Conflict of Interest does not exist, notify the individual accordingly. Record the decision on the Declaration of Interest Form.

4.3 Management of the Conflict of Interest

- a. Where it is determined that a Conflict of Interest exists, the line manager (or the contract liaison in the case of an external contract for goods or services) must record the determination and prepare a conflict management plan, which sets out how the Conflict of Interest is to be managed.
- b. Examples of Conflicts of Interest and how they should be managed are set out in Appendix II. Management may include conflict avoidance or mitigation and the management plan may include (but is not limited to):
 - Excusing individuals from a specific duty (for example recusal from a committee or panel for a particular decision);
 - Resignation or termination of the relevant individual's contract of employment (or contract for goods or services);
 - Accommodating the individual's personal or other circumstances within the scope of the University's Human Resources procedures;
 - Any other appropriate action determined by the line manager (or equivalent) in the management plan.
- c. Individuals must take no part in the relevant activity until such time as this process is completed.
- d. Individuals must adhere to the management plan.
- e. The line manager (or equivalent) will continue to monitor the issue to ensure adherence to the management plan. Where ongoing monitoring is required it is recommended that it is scheduled and documented on the management plan.
- f. In the event of a disagreement on the assessment of the disclosure or the management of the conflict, individuals may review the matter with their line manager in the first instance with a view to resolving the matter. If the matter cannot be so resolved, the individual may raise a grievance through the University's Grievance Procedure.
- g. Where a grievance is raised, any action as provided at 5.3 of this Policy may be suspended until the outcome of the Grievance Procedure. Individuals will desist from engaging in the related activity pending the outcome of the Grievance Procedure. Failure to do so will constitute a breach of this Policy.

4.4 Recording the outcome

- a. The line manager (or equivalent) will:
 - Keep a written record of all interactions and decisions taken within this procedure and document the management plan (by completing Part B of the Declaration of Interest Form attaching relevant documents/ communications where appropriate).
 - Notify the Office of the Director of Human Resources and any other relevant functional area within the University of the outcome of the procedure.
- b. A copy of the Declaration of Interest Form will be held by the relevant line manager (or equivalent), who shall make an annual report on all recorded Conflicts of Interest to the Office of the Director, Human Resources.
- c. The Director of Human Resources shall prepare a summary of all recorded Conflicts of Interest and the management mechanisms put in place which shall be presented annually to the Governing Authority.

5 Procedure for Breaches of this Policy

5.1 Breaches of this Policy and its Associated Procedures

- a. As set out in the scope of this Policy, it is the individuals' responsibility primarily to identify and disclose any Conflict of Interest.
- b. Failure to disclose a Conflict of Interest, or to appropriately refrain from the related activity until the management of the Conflict of Interest has been resolved, will constitute a breach of this Policy.
- c. A suspected breach of this Policy must be notified in writing to the Office of the Director, Human Resources.

5.2 Investigation

- a. Upon receipt of a notification of breach, the Office of the Director, Human Resources arranges for an investigation of the alleged breach which may include interviewing parties to the alleged breach, and collecting evidence in relation to the alleged breach.

5.3 Further Action

- a. The Office of the Director, Human Resources may determine in the first instance if any breach has occurred and may initiate:
 - Disciplinary proceedings under the University of Limerick's Statutes No. 4 in the case of an employee,
 - Contract dispute resolution procedures in the case of a contract for goods or services, or
 - Such other procedure as may be appropriate in the circumstances.

6 Review of this Policy

This Policy and associated procedure must be reviewed by the Office of the Corporate Secretary a maximum of three years after its adoption and earlier if the Governing Authority feels that it is necessary to do so.

7 Related UL documents

- Code of Conduct for Employees
- Research Integrity Policy
- Intellectual Property Policy
- Policy for Private Consultancy and External Commercial Work
- Handbook of Academic Regulations
- Grievance Procedure
- Statute No. 4 of the University of Limerick: Statute on Disciplinary Matters, Suspensions, Termination and Capacity
- Policy for Contract Management: Research Posts
- Protected Disclosures Policy & Procedures
- Protocol and Procedures related to Research Activities

8. Document Control

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Related Documents	<ul style="list-style-type: none"> • Code of Conduct for Employees • Research Integrity Policy • Intellectual Property Policy • Policy for Private Consultancy and External Commercial Work • Handbook of Academic Regulations • Grievance Procedure • Statute No. 4 of the University of Limerick: Statue on Disciplinary Matters, Suspensions, Termination and Capacity • Policy for Contract Management: Research Posts • Protected Disclosures Policy & Procedures • Procedure for Managing Allegations of Misconduct in Research

Appendix I –Declaration of Interest Form

NOTE: READ THE POLICY FOR CONFLICTS OF INTEREST IN DETAIL BEFORE COMPLETING THIS FORM

Part A is to be completed by the individual with the making the declaration of interest. Part B is to be completed by the individual’s line manager or equivalent.

Part C is to be completed by the Office of the Director, Human Resources.

Part A – To be Completed by the Relevant Individual

Name	
Department /Faculty /Division /Contract	
Line Manager (or equivalent)	
Date	
Conflict of Interest Details	[Please describe the nature of the interest(s) which may be in conflict with the interests of the University of Limerick]
Date of Conflict	[Please state when you became aware of the conflict]
Parties Involved	[Please list all individuals that you are able, who are party to the conflict]
Potential Benefit	[Please set out the benefit which might accrue to you (or a connected person) should this conflict go unmanaged]
Proposed Management	[Please set out how you propose to manage this conflict]
Declaration	<i>I acknowledge the Policy on Conflicts of Interest and declare the above interests. I confirm that I have no other activities, responsibilities or ownership entitlements that might lead to a conflict of interest situation.</i>
Signature	

Part B – To be Completed by the Relevant Line Manager (or equivalent)

Line Manager Name	
Position	
Date of discussion with the individual	

Detail of the discussion with the individual	[Summarise the discussion with the individual]
Outcome of discussion	Is it determined that a conflict exists?
Management Plan	[Describe the agreed approach to managing any conflict] [Attach supporting documents as appropriate]
Date	
Signature (line manager)	
Signature (relevant individual)	

Part C – To be Completed by the Office the Director of Human Resources

Date notified	
Acknowledged by	
Any further detail or information	

Appendix II – Examples of Conflicts of Interest

The tables below set out potential Conflicts of Interest arising in relation to:

- (i) Non-research related Conflicts of Interest
- (ii) Research related Conflicts of Interest

(i) Non-research related Conflicts of Interest

It is recognised that Conflicts of Interest may arise in connection with personal, business and other interests, activities or commitments. The following table contains an indicative, non-exhaustive list of the kinds of potential conflicts of interest, and how they may be avoided or managed. In all cases the conflict may emerge in relation to the individual or a Connected Person.

Potential Conflict	How it could be avoided or managed
A procurement exercise proceeds to an appeal because an unsuccessful bidder discovers that a member of the selection committee has a stake in a competing tenderer.	The committee member declares their interest in a competing organisation to their line manager in advance and is replaced on the selection committee.
A staff member uses their influence in the recruitment process.	The staff member declares the Conflict of Interest to their line manager and abstains from the recruitment process.
A staff member receives a gift, gratuity of favour from any third party engaged in or wishing to engage in transactions with the University (other than in the case of customary gifts of nominal value as may be prescribed by the Ethics in Public Office Acts).	The staff member declines the gift, gratuity or favour and informs their line manager so as to ensure it does not affect the award of any contract for business.
A member of academic staff provides consultancy services to an entity in direct competition with the University of Limerick.	The staff member declares the consultancy to their line manager and ensures that the consultancy accords with the UL Policy for Private Consultancy and External Commercial Work.
A member of academic staff supervises a student/staff member who is also a Connected Person.	The member of academic staff declares the Conflict of Interest to their line manager and a different arrangement is sought.
A member of the Finance, HR & Asset Mgt. Committee uses their knowledge of the University's capital development objectives to further a political or personal purpose.	The committee member treats all information shared with the Committee with confidentiality and sensitivity. Should a conflict emerge between anything discussed at the Committee and the member's personal views, this is discussed with the Chair and appropriate mitigation is put in place, up to and including the resignation of the committee member.

An employee (or a Connected Person) has an interest in a company that may provide goods or services to the University	The employee declares the Conflict of Interest to their line manager and excuses themselves from any decision relating to the supply of these goods or services directing of these resources
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(ii) Research related Conflicts of Interest

Conflicts of Interest may arise in connection with research related activities. In particular, Conflicts of Interest can arise when the interests of a commercial venture, from which a UL researcher derives direct benefit, differ from the interests of UL as a whole, or conflicts with the researcher's primary obligations to UL, or where the commercial venture consumes an undue share of the researcher's attention. Procedures for the management and mitigation of potential conflicts relating to IP commercialisation are addressed in the Intellectual Property Policy.

The main categories of Conflicts of Interest related to Research are:

- i. Educational Mission (especially in regard to supervision)
- ii. Research Integrity
- iii. Conflicts of Commitment and Loyalty
- iv. Financial Conflicts

The following table contains an indicative, non-exhaustive list of the kinds of potential Conflicts of Interests, and how they may be avoided or managed. In all cases the conflict may emerge in relation to the individual or a Connected Person.

Potential Conflict	How it could be avoided or managed
<p>Conflicts in the Educational Mission</p> <p>A student receives support from (is sponsored by) a company in which the proposed academic supervisor has a significant Financial Stake*</p>	<p>The individual with a Conflict of Interest should not be involved in the project. The conflict is declared and an alternative member of academic staff, with no interest in the sponsoring company, is appointed to act as the supervisor for the student.</p>
<p>Conflicts related to Research Practice</p> <p>A researcher has a significant Financial Stake* in the company sponsoring the research; the value of the researcher's interest may be affected by the outcome of the research.</p> <p>A researcher holds a position in an enterprise (e.g. as a Director) that may wish to restrict (or otherwise manage) adverse research findings for commercial reasons.</p>	<p>Conflicts of these kinds could be managed or avoided by:</p> <ul style="list-style-type: none"> - Declining the opportunity to conduct the research; instead arranging for the work to be carried out by another researcher in UL or elsewhere as may be appropriate, or - Appointing an independent investigator who has control over the design and analysis of the research and its results. <p>In addition, researchers should comply with any additional requirements as may be required by the University Research Ethics and Research Integrity policies and procedures</p>

<p>Conflicts of Commitment / Loyalty</p> <p>A researcher is involved in founding a new company.</p>	<p>The policy applying to the acceptance of external appointments and the conduct of non-academic work, including limits on the amount of time that may be devoted to such activities are set out in the UL Policy</p>
<p>An employee is appointed to an external body e.g. Committee, Board, Advisory Group</p>	<p>for Private Consultancy and External Commercial Work. The scheduling of commitments to such external bodies should be such that they do not result in significant rescheduling of lectures, tutorials or other supervisory or management duties.</p>
<p>Conflicts of Financial Interest</p> <p>A Researcher is involved with an external organisation (e.g. as a shareholder or consultant to a spin-out / campus company or other commercial entity) which creates financial responsibilities to that organisation which conflict with his or her financial responsibilities to UL.</p> <p>A student starts a business whilst at university</p>	<p>In the case of research contracts with external organisations (in which the researcher has or expects to have a financial interest) being negotiated by UL (normally by the Technology Transfer Office on behalf of the University) the researcher has no involvement whatsoever in such negotiations.</p> <p>Academic researchers in a position to judge the quality of that student's work or to evaluate the student in any way, should not take a Financial Stake, or hold a Formal Position** in such a student-run, owned or controlled venture whilst the student is enrolled at UL.</p>

Financial stake** means equity, share option or any form of financial interest in such venture. *Formal position** means as member of the Board of Directors, or acting as a paid consultant, or employee or executive of the venture.