Conflicts of Interest Policy

As an employer, the University starts from a position of trusting the professionalism of the staff it employs, and this trust underlies any attempt to handle questions which raise potential conflicts of interest. Yet the damage to the reputations of individuals and the University caused by conflicts of interest could be considerable, e.g. where the press cast doubt on the validity of an academic's research findings owing to the academic being discovered to have had a financial interest with the sponsor.

In order to protect individual staff members and the University from compromise, it is both necessary and helpful to settle a policy to deal with Conflicts of Interest. The University has therefore decided to issue three documents:

1. This short Conflicts of Interest Policy Statement
2. Guidelines for Staff, Heads of School and Heads of Professional Services
3. The University's Conflicts of Interest Regulations (including Register of Interests).

Conflicts of interest could arise in many circumstances and it is not possible to provide a single definition to cover them all. A conflict of interest may be defined as including:

'a conflict between the official responsibilities of a person in a position of trust and any other interests the particular individual may have, e.g. where the individual could be seen to be influencing University matters for actual or potential personal benefit, or seeking such a gain at the expense of the University'.

The press illustration, above, highlights another important issue. The definition is not restricted to those cases in which an individual actually betrays that trust; it can be just as damaging for the conflict to exist or appear to exist. It should be emphasised that the University's policy on conflicts of interest does not imply any lack of trust in, or loyalty of, academic colleagues. Rather, it is a mechanism for protecting University employees against criticism or compromise by ensuring that they recognise and disclose such conflict situations and take steps to avoid and manage them.

Should any member of University staff feel they are in a position giving rise to an actual or potential conflict of interest, they must contact their line manager as a matter of urgency. Appropriate steps will then be taken to deal with the conflict of interest situation in line with the University's Conflicts of Interest Policy.

In summary, the Conflicts of Interest Policy provides for a three-fold approach:
• Disclose always

• Manage the conflict in most cases

• Prohibit the activity when necessary to protect the public interest or the interests of the University

The guidelines, detail the principles behind the Conflicts of Interest Policy and have examples of some of the commoner situations which might arise.
Conflicts of Interest Guidelines

SUMMARY

Conflicts of Interest Policy

The University's Conflicts of Interest Policy accords with the Seven Principles of Public Life established by the Nolan Committee, and similar policies are common in most universities and other publicly-funded bodies. The fact that the University has adopted such a Policy does not in any way cast doubt on the integrity or professionalism of the University's employees. Rather it recognises that the University wishes to give a great deal of freedom to employees to engage in external activities, but in so doing needs to put in place a mechanism to protect its employees, and itself, from reputational damage and other liabilities.

In summary, the Conflicts of Interest Policy provides for a three-fold approach:

- Disclose always
- Manage the conflict in most cases
- Prohibit the activity when necessary to protect the public interest or the interest of the University.

If you are unsure what to do in any situation then guidance can be sought in the first instance from your line manager or from Research and Innovation Services.

Conflicts of Interest Guidelines

The purpose of these Conflict of Interest Guidelines is:

- To highlight and illustrate examples of potential conflict situations, some of which are not obvious
- To set out examples of activities can be managed (and how they can be managed), and other examples which the University would consider unmanageable (and therefore cannot allow).

The most important message in the document is that staff should always disclose an activity if they are in doubt about whether it represents a conflict of interest. The Guidelines describe the way in which such disclosure should be made at the time (i.e. before staff engage in the activity), and by completion of an Annual Return (the Register of Interests).
As an additional source of help the Conflicts of Interest Regulations contain a list of sample questions that a manager may use to elucidate the nature and potential seriousness of a conflict of interest. If they feel for any reason that they are unable to adjudicate on a conflict of interest then the matter should be referred up to the next level of management.

1. INTRODUCTION

Universities and their employees engage in a wide range of activities. The traditional academic roles, such as teaching and supervising students and conducting grant-funded academic research, are nowadays often supplemented by commercial collaborations including consultancy, commercial research and development, intellectual property licensing and involvement in 'spin-out' companies.

The University recognises that involvement in such commercial activities carries many advantages, including the practical application of new technologies, the provision of an additional source of research funding and insights into commercial and societal needs and the receipt of royalty income for the University and its departments. Contemporary attitudes are captured by the fact that the Government and HEFCE have signalled their intent to create a permanent stream of funding to encourage and resource these 'third-leg' activities (complementing funding provided for teaching and research).

These activities can produce positive benefits, but they also have the potential for diverting the University and its employees from their primary educational, research, and service missions. For example, conflicts of interest can arise when the interests of a commercial venture, from which a University employee derives direct benefit, differ from the interests and primary obligations of the University as a whole, or when the commercial venture consumes an undue share of the employee's attention. The University believes it to be essential that its employees should manage or avoid, and be seen to manage or avoid, such conflicts. Moreover, many funding agencies, in the UK and elsewhere, are now seeking assurance that universities are properly managing conflicts as a condition of grant funding.

Under their contract of employment with the University, academic staff are permitted to undertake private consultancy, with the convention being that this generally should not exceed 30 days per annum. Staff should refer to the University's Terms and Conditions for private consultancies and other paid work.

The University is keen to encourage relevant outside interests but staff will need to ensure that such work or consultancy complies with all relevant policies.
By and large, the University leaves individual Schools and academic staff to develop their own balanced 'portfolio' of activity, including external collaborations of one kind or another. However, by engaging in such external activities, employees may place themselves in a difficult position in which an outside interest may conflict, or appear to conflict, with their University duties. The employee may then be open to suspicion that decisions they take as a University employee are influenced by personal financial interest - even when, as is almost universally the case, the employee is acting with neutrality and complete professional integrity. In other cases, the employee may appear to be engaging in external activities which compete with the University. In the vast majority of instances, simple disclosure of a potentially conflicting external activity is sufficient to absolve the employee of suspicion. Occasionally the University may suggest a different way of managing an activity that avoids the conflict of interest. In extreme cases the conflict of interest may be so fundamental and unmanageable that it is necessary to restrict one or other of the employee's conflicting activities.

The full prior disclosure of interests is clearly an important (and in many cases, sufficient) mechanism for the management of conflicts of interest. Employees are required to complete the Register of Interests return in October of each year. This practice is in line with other publicly funded bodies.

This document offers guidelines on the University's Policy and provides some practical assistance to its employees on how they should manage potential or actual conflicts of interest. This document supplements the Conflict of Interest Regulations.

Whilst this document describes and provides guidelines for many of the situations in which conflicts occur, it is not meant to be exhaustive. The primary obligation rests with the employee to recognise situations in which he or she potentially has a conflict of interest and to disclose and discuss that conflict to their line manager. If you are uncertain how the Conflicts of Interest Policy might affect your activities, please contact your line manager in the first instance. If they are unable to help then refer your enquiry to your Head of School or Director of Professional Services.

Within The University there are two categories of conflict that may arise: personal (those faced by individuals) and institutional (those faced by the University as an institution). This document addresses personal conflicts.

2. TYPES OF CONFLICT OF INTEREST

"Conflicts of Interest" arise where there is a conflict between the official responsibilities of a person in a position of trust and any other interests the particular individual may have, e.g.
where the individual could be seen to be influencing University matters for actual or potential personal benefit. Such a conflict arises, for instance, when a member of staff is in a position to influence, directly or indirectly, University business, research or other decisions in ways that could lead to gain for them, their family or others to the detriment of the University's integrity and its missions of teaching, research and public service. These are situations in which financial or other personal considerations may compromise, or have the appearance of compromising, an employee's professional judgement in administration, management, instruction, research and other professional activities.

Conflicts of interest may also include "Conflicts of Commitment" which exist when the external activities of a member of staff are so substantial or demanding in terms of time and/or attention so as to interfere with their responsibilities to the University. Conflicts of this type primarily involve questions of obligation and effort, but may often be tied to financial remuneration or other inducements and as such may also constitute a conflict of interest.

The main categories of conflicts of interest (discussed in more detail below) are:

(i) Educational Mission (especially in regard to supervision)
(ii) Research Integrity
(iii) Financial Interest
(iv) Commitment and Loyalty

(i) Conflicts of Educational Mission

The University's employees who are involved in educating, training, supervising or directing the work (education) of students, should ensure that the education they provide is appropriate to the student.

The University has a primary objective to educate and train students. For example, special care must be taken to assure that the choice of a student’s research project, and the direction of that research is not, and does not appear to be influenced by, their supervisor’s personal financial interest. Similarly, teaching provided to another institution should not be in competition with Southampton courses.

(ii) Conflicts of Research Integrity

The University's employees should maintain the highest standards of integrity in the conduct of research.
The complete, objective and timely dissemination of new findings through publications, is essential for research integrity. In this context, 'publication' means any means of dissemination of research findings, including publication in a journal, information placed on the web, conference presentations or any other kind of scholarly communication. Note that if a particular research project is covered by a contract with an external sponsor then care should be taken to follow agreed procedures for publication.

The potential for personal gain must not jeopardise nor appear to jeopardise the integrity of research activities, including the choice of research, its design, the interpretation of results, or the reporting of such results.

(iii) Conflicts of Financial Interest

The University's employees have a responsibility to respect and promote the financial interests of the University. Staff should wherever possible ensure that the University:

- receives appropriate financial benefits from the provision of research services, including consultancy and other services conducted through the University
- receives appropriate financial benefits from the use or commercialisation of its intellectual property
- receives appropriate financial benefits from the use of other resources and assets, including equipment, technical staff and facilities
- makes responsible use of its financial resources in relation to the purchase of goods as specified in the University’s Financial Regulations.

(iv) Conflicts of Commitment and Loyalty

The University's employees owe their primary commitment and allegiance to the University. Membership of Committees, Boards, Advisory Groups etc (External Appointments) implies an obligation (and sometimes a statutory duty) to act in the best interests of the external body. These duties may conflict with those duties and obligations as employees of the University. Where an External Appointment is allowed under the Consultancy Guidelines or otherwise allowed by the University, this does not absolve the employee from ensuring that he or she continues to give their primary commitment and allegiance to the University. Managing conflicts of commitment is primarily a matter for individual staff and their Head of School.

Further guidance
Appendix 1 contains for guidance a list of some (but not all) possible situations which may arise, and may help in deciding whether a particular circumstance does represent a conflict of interest.

**REMEMBER: THE OVERRIDING PRINCIPLE IS THAT IF IN DOUBT, DISCLOSE.**

3. PROCESS OF DISCLOSURE AND REVIEW

The formal process of managing individual instances of actual or potential conflicts of interest is described in detail in the Conflicts of Interest Regulations. In essence, any individual who believes they may have a conflict of interest should consult their line manager. For most staff this will be their manager within their School or Professional Services Grouping. For managers this will be their Head of School or Head of Major Professional Services Grouping. Heads of School will report to Deans, and Deans and Deputy Vice-Chancellors to the Vice-Chancellor. Heads of Major Professional Services Groupings will report to the Registrar & Chief Operating Officer, who in turn reports to the Vice-Chancellor. Should the Vice-Chancellor be placed in a conflict of interest situation then the Chair of Council must be consulted.

*Appendix 1* - *Examples of Conflict Situations*

*Appendix 2* - *Extract from University Terms and Conditions*
Conflicts of Interest Regulations

This document, together with the Conflicts of Interest Policy Statement and Conflicts of Interest Guidelines, forms the Conflicts of Interest Policy of the University of Southampton.

1. Purpose

1.1 A conflict of interest is a conflict between the official responsibilities of a person in a position of trust and any other interests the particular individual may have, where the individual could be seen to be influencing University matters for actual or potential personal benefit. The University has no objection in principle to members of staff having outside interests, so long as appropriate regulations on time spent on consultancy, etc., are observed.

1.2 To enable the University to safeguard against potential conflicts of interest, Human Resources maintain a Register of Interests for all relevant staff and in addition codes of conduct of members of Council and its committees and working parties. It is the responsibility of staff to respond correctly to requests made of them. The Register of Interests is covered more fully in Appendix 3.

1.3 Any action or involvement or interest which may be seen to lead to a conflict of interest should be disclosed where requested and acted upon as appropriate as described in the following paragraphs.

1.4 Full disclosure followed by aggressive monitoring and conflict management is the key to preventing and resolving conflict situations. Full disclosure of relevant information and the establishment of a public record are in the best interest of both the institution and the member of staff. It demonstrates good faith on the part of the employee and protects his or her reputation and that of the University.

1.5 Disclosure will not necessarily restrict or preclude an employee’s activities. In fact, activities that may at first appear questionable may be deemed acceptable and permissible when all facts regarding the activity are examined.

2. Process

2.1 Employees are responsible for disclosing potential conflicts of interest, and/or commitment. Reporting mechanisms for disclosure should begin with the individual's line manager and through them to the Head of School or in the case of Professional Services, the appropriate Director. In cases where an employee has multiple reporting responsibilities (e.g., institutes, centres, laboratories) disclosure shall be reported to the primary unit head, and other superiors shall be informed of the disclosure in writing. In all cases the disclosure and its outcome shall be
noted. Where a real or potential conflict of interest exists this, together with the agreed outcome, shall be noted on the individual's personnel file.

2.2 Consultants to the University are also required to divulge any personal or family financial holdings or situations that could create a conflict of interest and/or introduce bias into their professional judgement. Such disclosures should be made to the university office or School contracting for the service, and appropriate determination shall be made on the management of any conflict.

2.3 Disclosure in all cases shall include the type of potential conflict (conflict of interest or commitment), the nature of the activity, a description of all parties involved, the potential financial interests and rewards, possible violations of legal requirements, and any other information which the employee feels necessary to evaluate the disclosure. The line manager shall advise the Head of School of all disclosures. The Head of School also may serve as an advisor to staff members who are uncertain regarding the appropriateness of a given activity or management of a given disclosure issue. It is, therefore, incumbent upon the Head of School to be familiar with University policy, and with general legal requirements so as to understand fully the implications of the situation in question. The Head of School may need to consult or engage the offices of Legal Services, Research & Innovation Services, Finance, Registrar & Chief Operating Officer or others to advise on issues of budget and finance, research administration, government relations, and technology transfer, as appropriate. In addition, when presented with a questionable situation, the Head of School should reflect on issues raised by the questions in the appendices to this document as a way of evaluating the nature and acceptability of the situation. Such an evaluation should be supplemented with personal knowledge of institutional policy and government requirements.

2.4 After appropriate evaluation, the line manager may find that a proposed or ongoing research or consultancy agreement and the employee's personal interests show no conflict or apparent conflict and are acceptable without further review. Conversely, the line manager may determine that a given situation raises some questions of propriety and requires a higher level of review. For each situation, the line manager shall create a written record of his or her determination that the situation either is acceptable, unacceptable, or requires review at a higher level.

2.5 The tables below indicate the levels at which review should take place for all staff, with any individual always disclosing to their line manager, and that line manager referring the case to the next higher level of management as appropriate:
Within Schools:
Member of staff
Line Manager
Head of School
Dean of Faculty
Vice-Chancellor

Within Professional Services:
Member of staff
Line Manager
Director of Professional Service
Registrar & Chief Operating Officer
Vice-Chancellor

Deputy Vice-Chancellors will report to the Vice-Chancellor

The Vice-Chancellor will report to the Chair of Council.

3. Evaluating Disclosures

3.1 Those evaluating disclosures at each level of review need a framework for determining the permissibility of activities and for assessing the degree to which disclosed activities may pose risk to the staff member, the institution, and other entities that may be affected. The appendices to this document list sample questions for use in evaluating potential conflicts of interest or commitment. The lists are not exhaustive and other questions related to special circumstances should be added as appropriate.

3.2 When presented with the facts of a given situation, the reviewer must first determine if there is legitimate cause for concern related to the inappropriateness of behaviour or evidence of bias by the professional activities of the staff member. The list of questions in Appendix 1 is suggested for this initial determination.

3.3 If it appears that there is genuine cause for concern, the reviewer must ascertain whether appropriate controls are in place to deal with possible conflicts. Questions the reviewer should ask, as relevant, are listed in Appendix 2 to this document.
3.4 If the reviewer is uncertain as to the correct way in which to deal with a situation, they should refer the matter to the next level of management or consult the appropriate Professional Services director for advice.

3.5 The consequences of a failure to comply with these regulations will be dealt by the line manager, including where necessary via appropriate disciplinary procedures.

Appendix 1 - Questions for evaluating potential conflicts of interest

Appendix 2 - Questions relating to the control of a conflict of interest situation in a research context

Appendix 3 - Register of Interests
Conflict of Interest Regulations – Appendix 1

QUESTIONS FOR EVALUATING POTENTIAL CONFLICTS OF INTEREST

1. Has all relevant information concerning the staff member’s activities been acquired (i.e., has there been full disclosure)?

2. Do the staff member’s relevant financial interests suggest the potential for conflicts or the appearance of conflicts or bias?

3. Do the staff member’s reported external time commitments exceed permissible levels?

4. Is there any indication that the staff member in his or her professional role has improperly favoured any outside entity or appears to have incentive to do so?

5. Has the staff member inappropriately represented the University to outside entities?

6. Does the staff member appear to be subject to incentives that might lead to conflicts or bias?

7. Is there any indication that obligations to the University are not being met?

8. Is the staff member involved in a situation that might raise questions of bias, inappropriate use of University assets, or other impropriety?

9. Could the staff member’s circumstances represent any possible violation of applicable legal requirements?

10. Do the current engagements of the staff member represent potential conflicts between outside interests (e.g. working on projects simultaneously for competing business entities)?

11. Could the proposed activity withstand public scrutiny?
Conflicts of Interest Regulations Appendix 2

QUESTIONS RELATING TO THE CONTROL OF A CONFLICT OF INTEREST SITUATION IN A RESEARCH CONTEXT

1. Will the negotiation of relevant research affiliations or other contracts be handled by disinterested representatives of the institution?

2. Will the research work plan receive independent peer review prior to its initiation?

3. Are there mechanisms in place to prevent the introduction of bias into research projects (i.e., is the protocol doubled-blinded? Are research subjects randomly selected?)?

4. Will the project be supervised by someone with no conflicting interests?

5. Are there means to verify research results (e.g., independent corroboration in another laboratory, expert review)?

6. Will data and materials be shared openly with independent researchers? If not, who determines accessibility to such resources?

7. Will the product of a collaborative effort with an outside party be published in the peer-reviewed scholarly literature?

8. Will the sponsor and/or relevant parties receive acknowledgement in public presentations of the research results?

The goal in applying these questions should be to determine the correct mode of dealing with any real or apparent conflicts.
Conflicts of Interest Regulations Appendix 3

REGISTER OF INTERESTS

REGISTER OF INTERESTS of:
Directorships, Partnerships, Retained Consultancies, Trusteeships, and Membership of External Committees.

For all staff level 4 and above.

University of Southampton Policy and Approval Procedures

Introduction

In keeping with its academic aims and purposes, the University encourages close liaison between its staff and industry, commerce and Government departments through the acceptance by staff of personal directorships, partnerships, consultancies (including private clinical practice), trusteeships, trade engagements and membership of official committees.

The University encourages such interaction, but is mindful of its obligation to provide safeguards, wherever possible, against anything arising from these links which could be detrimental to the University or to individual members of staff. One area of concern is that of potential conflicts of interest; another is legal liability and indemnity insurance cover.

Where the possibility of conflicts of interests exists, it is universally accepted that prior declaration by all parties of their interests is essential. A Register of Interests is kept of the personal interests of staff, both full and part time, which may overlap with the interests of the University. Thus, members of staff, in addition to declaring their interests as Directors, Retained Consultants etc, are asked to provide details of membership of major external committees whose work may be related in a significant way to that of the University. Routine committee membership which would be seen as a normal part of academic duties should not be entered on the Register: if in doubt whether to include a committee membership then consult your Head of School.

Members of staff could also be engaged in trading activities or other remunerated positions, without necessarily holding consultancies etc, in which there could be deemed to be a conflict of interest with the University.

The Register -accessible through MyView- is kept on a secure computer and is subject to the provisions of the Data Protection Act.
Annual Return

All members of staff Level 4 and above are required to complete and submit, or review and confirm, an Annual Return in October of each year, via MyView. Please note a null return is required if there are no relevant external interests.

Prior to submission the Return may be discussed with your Line Manager or Head of School, who is best placed to understand how any external activities overlap with your University activities.

IMPORTANT NOTE: This Return does not in any way replace or supersede the requirement for staff to seek permission from their Head of School or Professional Service for certain activities, as set out in the terms and conditions of private consultancy work.

In addition, staff are reminded that failure to declare a significant interest is potentially a disciplinary matter and therefore staff are advised to declare such an interest if they are in any doubt about its relevance or materiality.