



Conflict of Interest Policy

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Notes	

1 DEFINITIONS

Conflict of Interest refers to a conflict between the duties of an individual as an employee of the University on the one hand and their personal interests on the other. Teaching and research & scholarship activity; the hiring of staff; the procurement of goods and services and other duties of employees of the University must be free from undue influence by outside interests.

Conflict of Commitment occurs when the commitment to external activities of a staff member adversely affects his or her capacity to fulfil their responsibilities to the University. This form of conflict is recognised by a perceptible reduction of time and energy devoted by the individual to their University activities.

Conflicts of commitment primarily involve questions of obligation and effort, but are often tied to financial remuneration or other inducements and in such cases, they may also constitute conflicts of interest.

Intellectual Property refers to all technical innovations, inventions, designs, improvements, brands, creative works (including educational materials, works of art, industrial or artistic designs, audio, music, video, film) and/or discoveries, information, writings and software, whether or not patentable or otherwise susceptible to IP protection, including technology and materials in their tangible form. IP can be protected by law through secret know-how, patents, registered designs, copyright, trademarks, and other mechanisms; both registered and unregistered, to ensure that the owner can prohibit others from using their work without permission. This allows the owner to grant permission in return for financial compensation which may consist of option/license-revenues and/or an equity stake in a company or joint-venture.

Members of Staff refers to any person who possesses a contract of employment with the University.

Personal Interests include monetary or non-monetary interests or gains and include those of an individual's spouse, partner, parents, siblings, and business partners and or any company controlled by any of the foregoing.

Reportable Financial/Personal Interests refers to a member of staff and/or his or her Connected Persons who may have a financial, personal or other beneficial interest in:

- the design, conduct or reporting of any research activities undertaken, or intended to be undertaken by the University;
- the commercialisation of any Intellectual Property in relation to or resulting from such research activities; and/or
- any matter that falls to be considered under this policy and/or the National IP Protocol by the Conflicts Review Group
- any Personal Interest that may lead to a conflict between the duties of an individual as an employee of the University on the one hand and their personal interests on the other.
- Reportable Financial or Personal Interests shall not include salary, royalties or other

remuneration paid by the University to the member of staff while employed or engaged by the University.

2 INTRODUCTION TO THE POLICY

- 2.1 Technological University Dublin (hereafter referred to as “TU Dublin” and/or “the University”) is a globally engaged, comprehensive, research-informed university, committed to the application of innovation and technology to solve the most pressing challenges facing business, industry and society in a dynamic environment.
- 2.2 TU Dublin 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 research and development, knowledge exchange, consultancy, intellectual property (IP) licensing and involvement in ‘spinout’ companies. The University considers that such activities are in the public interest and are also of benefit to the University and the individuals concerned.
- 2.3 On occasion, such activities may give rise to conflicts of interest, whether potential or actual, perceived or alleged. All University staff 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 appropriately managed or avoided.
- 2.4 Where potential or actual conflicts of interest exist, a member of staff has the responsibility to disclose the appropriate information to their Head of School/function and to cooperate with the University as may be required to review, and/or manage any potential conflicts.
- 2.5 If properly managed, activities can usually proceed as normal whilst at the same time upholding the staff member’s obligations to the University, meeting regulatory and other external requirements and protecting the integrity and reputation of the University and its members. By contrast, conflicts which are not managed effectively may jeopardise the University’s public standing and may cause serious damage to the reputation of the University and of the individuals concerned.
- 2.6 It is therefore TU Dublin 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.

3 SCOPE

- 3.1 The purpose of this policy is to make all TUDublin staff aware of conflicts of interest/commitment – whether potential or actual, perceived or alleged – and to establish procedures whereby such conflicts may be avoided or properly managed.
- 3.2 The policy should be read in conjunction with the University’s **Policy on Intellectual Property** and **Policy on External Work, Research, Engagement and Consultancy** dealing respectively with the University approach to IP management and private activities undertaken by members of

staff, whether paid or unpaid. Both policies are available on the University's website.

- 3.3 The policy applies to all staff of the University, including academic staff, technical staff, administrators, researchers, research assistants, professional staff members, adjunct and visiting staff, consultants and other staff involved in research or other professional activities, whether full- time or part-time. The policy should be read in conjunction with the TU Dublin's IP Policy.
- 3.4 All members of staff have a duty of commitment to the University. Full-time staff are required to accord their primary professional loyalty to TUDublin and to arrange outside obligations, personal interests and activities so as not to conflict with their overriding commitment to the University.
- 3.5 Part-time staff members are required to make a commitment to the University consistent with the terms of their employment and are expected to arrange outside obligations and activities so as not to conflict with their contracted commitment to the University.
- 3.6 If an individual is uncertain about how this policy might affect his or her activities or has any questions about its application, they should seek advice and guidance by reviewing their circumstances with their relevant managers.

4 IDENTIFYING CONFLICTS

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

- personal gain, or gain to immediate family (or a person with whom the person has a close personal relationship), whether financial or otherwise; or
- the commitments and obligations owing to another person or body.

4.2 Conflicts of interest may be monetary or non-monetary or both.

- A *monetary conflict of interest* 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.
- Non-financial interests can also come into conflict, or be perceived to come into conflict, with a person's obligations or commitments to the University or to other bodies, for example another 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).

4.3 The following are examples of conflicts of interest:

- where a staff member has one or more personal interests outside the University which could compromise or have the appearance of compromising the staff member's

professional judgment in teaching, research & scholarship, administration, management, or other professional activities;

- when a staff member, whether directly or indirectly, has a personal interest in the outcome of deliberations of a Board or Committee or other such structure, in a contract or proposed contract to be entered into by the University or a University-related body, or is likely to obtain a personal gain as a result of a discretionary decision made by the University or a University-related body;
- when a staff member has interests in a corporation, institution, charity or body, whether public or private, whose interests may be in competition with those of the University;
- where a staff member is in a position to exert influence on decisions relating to the University in ways that could lead to personal gain or give advantage to their associates;
- when a staff member accepts gifts, gratuities or favours from a firm or corporation engaged in or wishing to engage in transactions with the University, except in the case of customary gifts of a nominal value.

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

4.5 The duty to declare a possible conflict applies to the *perception* of the situation rather than the actual existence of a conflict. Apparent or perceived conflicts of interest can be as damaging as a real conflict of interest. However, the duty is not infringed if the situation cannot reasonably be regarded as likely to give rise to a conflict of interest. In case of doubt, it is always preferable to make a declaration outlining where a potential perception of conflict of interest may exist.

5 PROCEDURES

5.1 All formal university meetings should have an agenda item: *conflict of interest* included.

5.2 It is the duty of every member of staff to disclose any conflict of interest or any circumstances that might reasonably give rise to the perception of conflict of interest and to take such further steps as may be appropriate to ensure that such conflicts are seen to be properly managed or avoided. A declaration regarding any conflict or potential conflict of interest/commitment should be made as soon as that conflict is recognised.

5.3 In the vast majority of cases, simple disclosure of a potentially conflicting external activity is sufficient. Occasionally, the staff member may suggest an activity that avoids the conflict of interest. In some instances, however, the conflict of interest may be so fundamental and unmanageable that it is necessary to restrict one or other of the staff member's conflicting activities.

5.4 A declaration potential or actual conflict of interest should be made:

- prior to the commencement of such a conflict;
 - when circumstances change in such a way that may give rise to a potential conflict; and/or
 - in response to such information requests or updates as may be reasonably required by the University from time to time in accordance with its relevant procedures.
- 5.5 Where potential or actual conflicts of interest exist, the staff member should, in the first instance, disclose the appropriate information in writing to their Head of School/function. A disclosure should be made using the Declaration of Personal Interest form (“Declaration”, see Annex 1) attaching all additional information and documents as may be required to complete its review and determination.
- 5.6 The Head of School/function or manager will review the declaration and assess if a conflict of interest/commitment exists. If a conflict of interest is determined to exist, the Head of School/function, in conjunction with the staff member - where appropriate, will agree a course of action to remove any perceived conflict. The agreed action should be recorded on the Declaration of Personal Interests Form and forward to the Conflict of Interest Committee for noting. Even where no conflict of interest is found to exist, a record should be made of the decision and forwarded to the Conflict of Interest Committee for noting. The Head of School/function or manager should periodically review any agreed actions to satisfy themselves that they are being implemented.
- 5.7 The management and/or resolution of conflicts of interest will typically involve one or more of the following outcomes:

Where No Conflict Exists or a Local Resolution Applies

- The Head of School/function or manager may determine that based on the information available no conflict exists or that it can be managed locally through appropriate arrangements. In many cases, a simple disclosure of the potential Conflict of Interest or Conflict of Commitment will be sufficient and no further action is required.

Where a Conflict Exists

- Where a Conflict of Interest or Conflict of Commitment is deemed to exist, it may be necessary for the member of staff concerned to discontinue one of the conflicting activities.

The following examples are for illustrative purposes only:

- Not taking part in discussions of certain matters;
- Not taking part in decisions in relation to certain matters;
- Referring to others certain matters for decision;
- Resolving not to act as a particular person’s supervisor;
- Divesting or placing in trust certain financial interests;
- Publishing a notice of interest;
- Standing aside from any involvement in a particular project;
- Declaring an interest to a particular sponsor or third party;
- Resignation from a particular function, organisation or body where a potential conflict exists.

- 5.8 In the event that a Conflict cannot be adequately resolved at School/Function level it should be referred to the Conflict of Interest Committee who may issue directions or guidance on the Conflict.

5.9 Any conflict of interest disclosed must be updated as new information becomes available which could affect the previously notified Conflict.

6 CONFLICT OF INTEREST COMMITTEE

6.1 The proposed membership of the Conflict of Interest Committee is as follows:

- Chairperson: University Secretary or nominee 1 x Head of School
- 1 x representative of Finance /Corporate Services 1 x representative of Research and Innovation
- 1 x representative of the relevant School/Service (by invitation)

The Committee will be gender-balanced. Where a member of the Committee declares a conflict of interest regarding a particular item, the President will nominate an alternate representative for that particular meeting.

6.2 The Conflict of Interest Committee will meet bi-annually or more frequently as required in order to;

- Receive Declarations of Personal Interest from Heads of School/Service and/or the University Executive Team (UET), noting proposed actions to manage conflicts of interest;
- Provide information, advice and assistance to the Heads of School / Service for managing any competing interests and commitments;
- Handle and maintain all reported activities and interests in confidence;
- Where requested by a Head of School/ Service or manager, determine the action necessary to resolve or manage the potential or apparent conflict.
- Keep an accurate and up to date registry of reported activities and interests and record responses and certifications;
- Provide such certifications as may be required from time to time to meet funding agency conditions or other similar requirements;
- Prepare an annual report to the Governing Body;
Carry out (or have carried out) such other activities as may be reasonably necessary for the proper implementation and administration of this Policy.

6.3 The Conflict of Interest Committee will ensure that a written record is made of the fact that the conflict was reported, how the conflict was dealt with and whether it was deemed manageable. A record of all decisions made will be maintained in the University's Conflicts Register.

6.4 The University's Conflicts Register will be presented annually to Governing Body, or more often if there is any significant update to be provided. Each Sub Committee of Governing Body

will receive the list of conflicts pertaining to that particular Committee.

- 6.5 In any case affecting a partially or wholly State-funded research Programme, the University (and/or the Conflict of Interest Committee) is required to report to the State research funding organisation concerned any unresolved Conflict of Interest and must agree with that funding organisation appropriate steps to deal with the conflict.
- 6.6 If a conflict is found to have adversely affected the conduct of a staffmember's responsibilities to the University, the University's disciplinary procedures may be activated.
- 6.7 Any direction of the Conflict of Interest Committee can be appealed to the President. Any such appeal will include representation in person by the appellant. The decision of the President shall be final notwithstanding the option to avail of the University's grievance procedures.

7 QUERIES

Contact: Talent Support Team

E-Mail: talentsupport@tudublin.ie

DECLARATION OF PERSONAL INTERESTS FORM

(includes potential interests)

Name of staff member:

Position in TU Dublin:

School /functional area:

Head of School/function

Manager:

1. Title of Declaration to be reviewed:

2. Describe the nature of the potential conflict, the external party (if appropriate), the relationship and the personal interest:

3. Proposed action to managing the Conflict of Interest/Commitment.

4. Declaration

I acknowledge the TU Dublin Policy on Conflict 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. (Additional pages may be attached if required)

Signature of Staff Member: _____

Date:

Signature of Head of School

/Function: _____

Date:

5. Recommendation of the Conflict of Interest Committee (where relevant)

Date: _____

Original offer to be retained on file and a copy forwarded to the Conflict of Interest Committee.