

RECOGNIZING CONFLICT OF INTEREST

This document provides a series of brief scenarios that illustrate situations in which an actual or potential conflict of interest may reasonably be seen to be present, and which require, at the very least, prompt disclosure to, and discussion with, the individual's reporting officer (as established in the [Regulation on Conflict of Interest](#)). Note that certain conflicts of interests can constitute other forms of misconduct (e.g., fraud); and it may not be sufficient to disclose the conflict in such cases. Engaging in these forms of misconduct could lead to discipline up to and including termination. The scenarios are drawn from situations that have occurred at McGill, from examples provided on the websites of other institutions of higher education, and from the literature on conflict of interest.

Please note that the list of scenarios does not purport to be exhaustive – from time-to-time other scenarios may be added to this document. The University conflict of interest regulations that these examples illustrate are drafted in broad terms as it is never possible to enumerate all possible conflicts. Moreover, while the scenarios have been grouped for simplicity, some scenarios could be assigned to more than one category of conflict – however, they are not repeated under each heading which may be applicable.

Please also keep in mind when reviewing these illustrations that the mere existence of an actual or potential conflict situation does not necessarily connote misconduct. Conflicts of interest exist independently of the affected party's motives and intentions. Most conflicts of interest can be permitted when paired with a good mitigation plan. Therefore, appropriate consideration should be given to the following points:

- was there proper disclosure to the appropriate persons;
- was permission given by the proper authority;
- is the conflict being properly managed; and
- is the conflict one which should as a matter of principle never be permitted?

It is only when all relevant information has been gathered that a decision can be made as to the acceptability of the situation and the appropriate measures to mitigate the risks. It is important to keep in mind that conflicts of interest must be disclosed and, where relevant, mitigation measures put in place, in order to protect the interests of all parties involved.

In reviewing the scenarios, please keep in mind that the *Regulation on Conflict of Interest* applies to Members of the University community defined by s. 1.6 of the *Regulation*; and as defined by s. 1.9, the term "Related party" includes:

- i. a Member's immediate family;
- ii. a Person living in the Member's household;
- iii. a Person with whom a Member has, or had, a close or intimate personal relationship; or
- iv. a Person with whom the Member shares or owes, directly or indirectly, a financial or other interest.

EXAMPLES OF CONFLICTS OF INTEREST

A. IN RELATION TO STUDENTS

A.1 A Member is involved in a teaching, supervisory or evaluative role with respect to a related party. For example, where:

- a teaching assistant forms a friendship with a student in the group assigned to them;
- a faculty member or member of teaching staff begins an intimate relationship with a student and the situation is not covered by the Code of Conduct set by s. 8 of [Policy against Sexual Violence](#);
- an instructor becomes their nephew's Ph.D. thesis supervisor or a member of their supervisory committee;
- a Ph.D. supervisor launches a start-up with the student they supervise.

A.2 A member participates in an admission or any other University decision concerning a related party. For example, where:

- an administrator serving on a scholarships and awards committee participates in a discussion or decision concerning their daughter's application for a scholarship;
- an instructor, who also has external business interests, participates in the admission decision of their business partner's child.

A.3 A member takes part in any proceedings at any level that affect the academic standing of a related party. For example, where:

- an instructor re-reads an examination paper of their partner's child; or
- an academic administrator writes a letter of reference for their sister's child.

A.4 An instructor assigns course materials to students in circumstances in which he/she or a related party will benefit from the assignment. For example, where

- an instructor assigns students in their course a textbook he/she has written and for which he/she will receive royalties; or
- an instructor assigns students course materials prepared by a related party and for which the latter will receive royalties.

A.5 A member enters into any contractual relationship (other than in a position explicitly sanctioned by the University such as research assistant or teaching assistant) with a student with whom the member has a teaching, supervisory or evaluative relationship. For example, where

- a researcher employs their Ph.D. student in their or a related party's private off-campus laboratory; or
- an instructor rents their house/apartment to a Ph.D. student who he/she is supervising.

A.6 A member and their spouse serve as the co-supervisors for a student's thesis.

A.7 A thesis supervisor delays the completion/publication of a student's thesis to allow the supervisor or a related party to be the first to publish the data/findings developed primarily by the student.

A.8 An instructor imposes as a mandatory course requirement that students registered in the course participate as research subjects in the instructor's research.

A.9 A thesis supervisor appears to give priority to their or a related party's research or other activities to the detriment of their students' theses.

A.10 A graduate supervisor involves their students and/or trainees in their consulting activities.

B. IN RELATION TO RESEARCH

B.1 A researcher uses their, or a related party's, outside business interests to provide services to be charged to the researcher's research grants.

B.2 A researcher has an arrangement with a third party who has an interest in the outcome of the research wherein advantages (including the payment of money, royalties, or grants, or the transfer of shares or options in the sponsor) are promised, formally or informally, to the researcher or a related party.

B.3 A researcher diverts research resources available to them through the University (e.g., space, equipment, materials) for their personal use, including in the context of consulting activities, or that of a related party.

B.4 A researcher enters into any commitments relating to proprietary research (i.e., which generates intellectual property) that are likely to interfere or overlap with the researcher's duties to the University.

B.5 A researcher receives, directly or indirectly, any payment, gift or other advantage or benefit from a third party in respect of the member's research activities.

B.6 A member uses for their personal benefit, or that of a related party, research conducted at the University.

B.7 A researcher recruits any member of the University community over whom the researcher or a related party has authority, to be a participant in medical testing or in clinical trials involving human subjects.

B.8 A member influences any research activities at the University so as to advance their personal interests or those of a related party.

B.9 A researcher enters into a private licensing agreement with a related party for the development of intellectual property generated as a result of University research without following McGill's Policy on Inventions and Software.

B.10 A researcher engages in research activities at McGill or an affiliated institution related to an invention for which they received a transfer of rights from McGill without a properly approved research agreement in place.

B.11 A researcher, for their benefit or that of a related party, unreasonably delays publication of, or prematurely announces, research results.

B.12 A researcher accepts research funding on terms that could be seen to compromise their ability to conduct the research freely or to publish promptly the results, whether positive or negative.

B.13 A member has a research relationship through McGill with an entity as well as another relationship with the same entity, such as:

- private consulting
- equity or financial interest
- intellectual property interest
- potential to receive revenue from the entity, including through a license signed by McGill

B.14 A researcher accepts to peer review a research proposal or funding application of

- another with whom the member or a related party is in direct competition; or
- a related party.

B.15 A researcher fails to disclose in a research publication that the research contained therein was funded by parties who have an interest in its outcome and where such relationship may raise questions about the researcher's objectivity or impartiality.

B.16 A researcher, or a related party, has a financial interest in the outcome of a clinical trial in which the researcher is participating.

B.17 A researcher does consulting work with an outside entity that might be perceived as compromising their objectivity on their research or other academic duties at the University.

B.18 A researcher carries out research with or within an entity (public, private, or non-governmental) whose interests conflict with McGill's best interests or academic mission.

C. IN RELATION TO HUMAN RESOURCES

C.1 A member employs a related party in a position funded, directly or indirectly, by the University or the member's research grant or contract.

C.2 A member is responsible for, or participates in, the appointment, employment, evaluation, advancement, or supervision of a related party.

C.3 A member is on the search committee for a position at McGill for which a former student or the student of a close collaborator is applying.

C.4 A member makes or contributes to a decision on the appointment, advancement or evaluation of the performance and other activities of another who is directly competing with a member or a related party. For example, where:

- a dean appoints a related party as chair of a department;

- a principal investigator employs a related party as a research associate; or
- an instructor employs a related party as their teaching assistant.

C.5 A member occupies a position in which a related party directly or indirectly reports to him/her.

C.6 A member, already on staff at the University, actively lobbies for and promotes the “spousal employment” of their spouse.

D. IN RELATION TO THE INSTITUTION

D.1 A member serves on a board of directors, advisory board of an outside organization which does, or is proposing to do, business with the University.

D.2 A member participates as a member of a board or committee of the University (or of an institution affiliated with the University) on a matter in which the member or a related party has an individual interest in the outcome of the deliberations of that board or committee.

D.3 A member accepts employment with, or undertakes any activities on or off campus for, a third party at times during which the member would normally be expected to be engaged in their duties to the University.

D.4 A member engages in a course of studies, or any other program or activity, that calls for attendance at or participation in lectures or other events at times during which the member would normally be expected to be engaged in their duties to the University.

D.5 A member uses University facilities, equipment, personnel or services for non-university activities or for the personal benefit of the member or a related party.

D.6 A member uses attributions or references to the name of the University, or of any member of the University, or of any affiliated institutions, associations or organizations (including the insignia of the University or of any unit or affiliated institution, association or organization), to promote the non-university activities of the member or a related party.

D.7 A member uses their official University position for publicity, endorsement or advertising purposes for a related party.

D.8 A member promotes or advertises their or a related party’s products or services to the University or at a University event.

D.9 A member uses information that is not available to the general public and acquired as a result of their University position, for purposes unrelated to that position.

D.10 A member privately commercializes intellectual property they developed in the performance of their University duties without following McGill’s Policy on Inventions and Software.

D.11 A member receives, directly or indirectly, any payment, gift or other advantage or benefit (except of a nominal value or as part of social entertainment considered in keeping with good professional ethics and which do not obligate the member) from a third party for the performance by the member of their University functions or duties.

D.12 A member associates in any manner with a third party (including through its name, publicity or operations) which falsely implies that the third party is associated with or benefits from a relationship with the University.

E. IN RELATION TO FINANCIAL MATTERS

E.1 A member participates in the purchase or sale by the University of any goods that they or a related party owns, or any services that they or a related party provides.

E.2 A member influences the decisions of a third party engaged in business with the University for the benefit of any party besides the University.

E.3 A member makes personal purchases, or purchases for a related party, through:

- the University purchasing department; or
- their Procurement card.

E.4 A member diverts any University resources or funds for personal use or the use of a related party.

E.5 A member approves the expense claims or expenditures of a related party.

E.6 A member accepts to teach or perform other duties for remuneration at another institution while on sabbatical or other paid leave from the University.

E.7 A member sells property acquired, in whole or in part, through research funds, to the University for personal profit.

E.8 A member donates property acquired, in whole or in part through research funds (or the proceeds received on the sale of such property), to the University for a charitable tax receipt.

E.9 A member solicits or accepts gifts that might be reasonably perceived to influence their duties at the University.