



McGill

Memorandum

Office of the Provost
James Administration Building

TO: Senate

FROM: Anthony C. Masi, Provost

SUBJECT: Policy on Individual Conflict of Interest

DATE: September 3, 2008

DOCUMENT #: D08-03

ACTION REQUIRED: ☐ INFORMATION ☒ DISCUSSION ☐ APPROVAL / DECISION

ISSUE: *Proposed Policy on Individual Conflict of Interest*

BACKGROUND & RATIONALE:

A review of the University's existing conflict of interest policies and of the current treatment of the matter within the G10/G13 suggested that there was a need to undertake a revision of these policies and to replace them with a single all-encompassing policy.

The current policies which address, in whole or in part, conflict of interest and commitment are:

1. *Policy on Conflict of Interest and Duty of Loyalty*
2. *Conflict of Interest Policy* (since "repealed" because it was of unknown provenance)
3. *Policy on Conflicts of Interest in Academic Supervision and Evaluation*
4. *Regulations Governing Conflicts of Interest in Proprietary Research*
5. *Regulations on Research Policy*
6. *Policy on Research Ethics*
7. *Regulations on Consulting and Similar Activities by Academic and Librarian Staff*

The reasons for suggesting that a new comprehensive policy on conflict of interest be adopted, are several:

- The current policies do not adequately address all the many and varied conflict situations which can be encountered in the increasingly complex environment in which universities and the members of their communities (including students) must function – and, thus, current policies are insufficient to protect the integrity of the institution and its academic and research mission, and to withstand scrutiny by those to whom we are accountable.
- The current policies do not clearly and explicitly address the issue of conflict of commitment that may confront administrative and support staff of the institution.
- The current policies fail to clearly signal that the "*perception*" of conflict is as important as an actual conflict and must be as assiduously avoided.
- Not all of the current policies provide for appropriate mechanisms for the proper disclosure and resolution of conflict situations that may arise.
- Finally, the adoption of one comprehensive policy would:
 - provide the opportunity to clarify and rationalize the institutional approach to conflict of interest and to make the "rules" governing

- conflicts more easily accessible to, and “user friendly” for, all;
- remove the risk that individuals may inadvertently over-look “the” policy that is actually relevant to their situation;
- remove the risk of inconsistency in the treatment of conflicts; and
- avoid the imposition of multiple reporting requirements on persons confronted with a conflict.

Consequently a working group, comprised of representatives of the University administration and of all sectors of the University community who may find themselves in conflict situations, was constituted to review existing policies and draft a new policy. Attached as Appendix A is the product of the working groups labours.

It is the recommendation of the working group that, with one exception, the new Policy replace current policies (or provisions thereof) that treat conflict of interest and commitment. The exception is the *Regulation on Consulting and Similar Activities by Academic and Librarian Staff* (which address the issue of conflict of commitment that may face academic and librarian staff) which have also been reviewed and revised and will be brought to Senate for approval.

The adoption of the proposed *Policy on Individual Conflict of Interest* will:

- clarify and rationalize the University’s treatment of conflicts of interest and commitment;
- make the “rules” governing conflicts more easily accessible to all;
- ensure uniform treatment of all conflict situations that arise;
- enhance the protection of the integrity and reputation of University and its community;
- promote a culture of honesty, transparency and accountability in all members of the community; and
- further the institution’s commitment to ethical administration and governance.

It should be noted that a separate Annex (see Appendix B herewith) will be available with the Policy. The object of the Annex is to provide a non-exhaustive list of illustrations of prima facie conflict situations which call for disclosure. It is hoped that the Annex will help members of the community better understand the many conflict situations that may arise.

MOTION OR RESOLUTION FOR APPROVAL: For discussion.

PRIOR CONSULTATION: Principal and Vice-Principals Group; Provost; Associate VP (HR); Deans; representatives of Human Resources, MAUT, MUNASA, MUNACA, SSMU, PGSS, AGSEM and the trades & services unions

NEXT STEPS: To be brought back to Senate for approval at a later date.

APPENDICES: **Appendix A:** *Policy on Individual Conflict of Interest*
Appendix B: Annex - Recognizing Conflicts
