

APPENDIX A

POLICY ON CONFLICT OF COMMITMENT & CONSULTING FOR ACADEMIC & LIBRARIAN STAFF

PREAMBLE

With the acceptance of an appointment at the University Staff Members make a commitment to the institution to fulfill their academic duties as defined in the *Regulations Relating to the Employment of Academic Staff* and *Regulations Relating to the Employment of Librarian Staff* respectively. However, it is understood that Staff Members may respond to the needs of society outside the University which can bring benefits to Staff Members and the institution, enhance the reputation of the institution, and enhance the capacity of Staff Members to fulfill their obligations to the University.

Nevertheless, such external activities, professional or personal, can result in “conflicts of commitment”, that is, situations in which the external activities of Staff Members are so substantial or demanding on time and attention as to adversely affect the discharge by them of their obligations to the University.

The purpose of this Policy is to manage conflicts of commitments in a manner that:

- will withstand the test of reasonable and independent scrutiny;
- not unreasonably impede the privilege of Staff Members to engage in such activities; and
- protect the interests, integrity and reputation of the University.

1. DEFINITIONS

1.1 “Chair” includes the chair of a department, the director of a school, institute or centre and, where appropriate, the Dean of a faculty without departments and the Director of Libraries.

1.2 “Conflict of Commitment” means a situation in which a reasonably informed and well advised Person would conclude that a Member’s Non-University Activities interfere, or have the potential of interfering, with the Staff Member’s academic duties to the University. This includes engaging in Non-University Activities during periods in which a Staff Member could be reasonably expected to be performing his or her academic duties.

1.3 “Consulting” includes all activities, whether paid or unpaid, that are conducted by a Staff Member on behalf of a Person outside the University, that fall within the area of competence related to the Staff Member’s appointment, and that are not part of

- (i) the Staff Member’s academic duties; or
- (ii) work supported by grants, agreements or contracts between the University and outside Persons;

Consulting includes, but is not limited to:

- (a) the giving of professional advice in areas of the Staff Member’s expertise to any Person;
- (b) the delivery of lectures or courses to or for any Person;
- (c) the provision of services related to publishing, journalism, broadcasting, artistic performances, and other similar creative activities to or for any Person; and
- (d) the conduct of research remunerated by any Person.

1.4 “Dean” includes the Director of Libraries.

1.5 “Legal Person” includes corporations, associations, foundations, organizations, government agencies, and any other entity or body.

1.6 “Person” includes, where the context requires, both natural and Legal Persons.

- 1.7 “Staff Member” means:
- (i) a member of the academic staff, whether officially designated as full time or part time, appointed in accordance with the *Regulations Relating to the Employment of Academic Staff*, or
 - (ii) a member of the librarian staff, whether officially designated as tenure track or non-tenure track, appointed in accordance with the *Regulations Relating to the Employment of Librarian Staff*.
- 1.8 “Substantial Consulting” means Consulting that is sufficiently extensive as to suggest to a reasonably informed and well advised Person that there is a possibility of such activities giving rise to a Conflict of Commitment and, without limiting the foregoing, shall include:
- (i) Consulting in excess of the equivalent of twenty four (24) working days per year;
 - (ii) Consulting that involves repeated or sustained absences from the institution; and
 - (iii) Teaching at another institution, other than occasional lectures, seminars, or scholarly presentations.
- 1.9 “Unit” includes a department, school, institute, centre, faculty and the McGill University Libraries.
- 1.10 Where a Staff Member has been appointed to more than one Unit the terms “Chair” and “Dean” include respectively the Chairs and Deans of each Unit in which the Staff Member holds appointment.

2. OBLIGATIONS OF STAFF MEMBER ENGAGING IN CONSULTING & EXTERNAL ACTIVITIES

Standard of Conduct

- 2.1 A Staff Member engaged in Consulting and other external activities shall act with integrity, adhere to the highest ethical standards, and refrain from engaging in any activities that may harm the reputation or the integrity of members of the University community, the University or its affiliated institutions.
- 2.1.1 A Staff Member engaged in Consulting or other external activities shall ensure that the Person on behalf of whom such activities are undertaken understands that the Staff Member is acting in his or her private capacity, and not as an employee or representative of the University unless expressly authorized in writing so to act by his or her Chair and Dean.

Reporting

- 2.1.2 A Staff Member shall report annually on all Consulting and other external activities in accordance with sections 5, 6 and 7.

PRIOR APPROVAL FOR SUBSTANTIAL CONSULTING

- 2.2 A Staff Member shall seek the prior written approval of the Chair and Dean before engaging in Consulting
- (i) which constitutes Substantial Consulting; or
 - (ii) where reasonable doubt exists as to whether the proposed Consulting will qualify as Substantial Consulting.
- 2.2.1 A Staff Member requesting the approval of the Chair and Dean in accordance with section 2.2 shall provide the Chair and Dean with:
- (i) a full description of the proposed Consulting ;
 - (ii) subject to the rules governing professional privilege, the name of the Person on whose behalf the Consulting would be undertaken;
 - (iii) the economic or other interest or relationship, direct or indirect, the Staff Member may have in or with the Person on whose behalf the Consulting would be undertaken;

- (iv) an estimate of the time required for the Consulting, and the period over which it would be undertaken;
- (v) a statement as to whether the Consulting would require the Staff Member to be absent from the University and an estimate of the periods of absence;
- (vi) a statement as to whether the Consulting is to be remunerated;
- (vii) an estimate of the impact of the Consulting on the staff member's duties and responsibilities to the University;
- (viii) a statement as to the benefit likely to ensue to the University if the Staff Member is permitted to engage in the Consulting;
- (ix) a description of any other Consulting that has been approved within the last two years; and
- (x) other relevant information requested by the Chair or Dean.

2.2.2 In determining whether approval shall be granted to a Staff Member the Chair and Dean shall be guided by:

- (i) the relationship of the proposed Consulting to the Staff Member's academic duties and area of specialization;
- (ii) the likelihood that the proposed Consulting will adversely affect the Staff Member's academic duties;
- (iii) the likelihood that the proposed Consulting will be of over-all benefit to the Staff Member's academic duties and to the University;
- (iv) whether the proposed Consulting gives rise to conflict of interest issues;
- (v) whether the proposed Consulting would be viewed as being appropriate by a reasonably informed and well advised Person.

2.2.3 Where the Chair and the Dean determine that a Staff Member should be granted permission to engage in Substantial Consulting the permission shall be recorded by the Chair in writing and include:

- (i) the conditions, if any, under which permission is granted;
- (ii) the mechanism to be used to monitor the Staff Member's Consulting;
- (iii) the period for which permission is effective;
- (iv) a requirement that the Staff Member promptly report any change in circumstances that may effect the scope of the Staff Member's Consulting or its management.

2.2.4 The Chair shall provide a copy of the written permission to the Staff Member and to the Dean.

2.3 The Chair and Dean shall advise the Staff member in writing of their decision either to grant or to withhold permission for the Staff Member to engage in the Consulting within fifteen (15) working days of receipt from the Staff member of the information called for in section 2.2.1 including any additional information requested pursuant to section 2.2.1(x).

3. WHERE CONFLICT OF COMMITMENT EXISTS

3.1 Where a Staff Member wishes to engage in Consulting which is deemed to create a Conflict of Commitment, the Staff Member shall apply for:

- (i) a leave of absence;
- (ii) a reduced load appointment,
- (iii) a part-time appointment; or
- (iv) a secondment leave.

4. USE OF UNIVERSITY FACILITIES, SERVICES, ETC.

- 4.1** A Staff Member shall not make more than incidental use of University services, facilities, equipment or supplies in Consulting or while engaging in other external activities, whether paid or unpaid, on behalf of a Person outside the University without in advance of such use:
- (i) obtaining written approval for such use from the Chair and Dean; and
 - (ii) making appropriate written financial arrangements to reimburse the University in advance of such use.
- 4.2** A Staff Member shall not use University stationery in Consulting or while engaging in other external activities, whether paid or unpaid, on behalf of a Person outside the University without the prior express written approval of the Chair or Dean.
- 4.3** A Staff Member shall not use the services of a member of the academic or administrative or support staff in Consulting or while engaging in other external activities, whether paid or unpaid, on behalf of a Person outside the University without in advance of such use:
- (i) obtaining express written approval from such other staff member's superior; and
 - (ii) making appropriate written arrangements with the Chair and Dean to reimburse the University for the cost of such services.

5. REPORTING OF CONSULTING

- 5.1** A Staff Members shall report annually on all Consulting, whether or not it constitutes Substantial Consulting or gives rise to a Conflict of Commitment, on a form approved by the Provost.
- 5.1.1** The annual report shall include for each Consulting activity:
- (i) the identity of the Person on whose behalf the Consulting was undertaken;
 - (ii) the nature of the Consulting performed,
 - (iii) the sector, public or private, for which the Consulting was performed;
 - (iv) the time spent,
 - (v) the distribution of the Consulting through the year,
 - (vi) whether the Consulting was remunerated,
 - (vii) the use made of University facilities, equipment or supplies;
 - (viii) the use made of the services of members of the administrative or support staff.
- 5.1.2** The annual report shall also include information on:
- (i) frequent travel,
 - (ii) ethical issues, and
 - (iii) periods of intense Consulting activity which may have affected the Staff Member's academic duties.
- 5.1.3** Individual Units, by resolution of the appropriate governing body, may require the reporting of additional information.
- 5.2** The annual report on consulting provided to the Staff Member's Chair who will forward the report to the Dean and to the Provost and Vice-Principal (Research and International Relations).
- 5.3.** The annual reports on consulting by Staff Members shall be summarized in suitable form in the annual reports of the relevant Units.

6. REPORTING EXTERNAL ACTIVITIES WHICH ARE PART OF ACADEMIC DUTIES

- 6.1** A Staff Member shall also report annually to the Chair and Dean all other external activities, whether paid or unpaid, that are conducted by a Staff Member on behalf of a Person outside the University that fall into the area of competence related to the Staff Member's University appointment, and that are part of:
- (i) the Staff Members' regular academic duties in the University; or
 - (ii) work supported by grants, agreements or contracts between the University and an outside Person.

- 6.2** Such reports of Staff Members shall be made on forms approved by the Provost.

7. REPORTING OF EXTERNAL ACTIVITIES NOT RELATED TO ACADEMIC DUTIES

- 7.1** In addition to the other reporting requirements imposed by this Policy a Staff Member who spends a substantial amount of time on any other activities, whether paid or unpaid, not directly related to the performance of the Staff Member's academic duties, shall make full disclosure in writing of those activities that may give rise to a Conflict of Commitment to the Chair and Dean.

- 7.2** For the purposes of section 7.1, a "substantial amount of time" shall be determined by the definition of Substantial Consulting.

8. CONSULTING & OTHER EXTERNAL ACTIVITIES AND REAPPOINTMENT, TENURE, PROMOTION, ETC.

- 8.1** Consulting and other external activities not reported as required by sections 5 and 6 shall not be included in a Staff Member's dossier for reappointment, tenure or promotion, nor be considered in the evaluation of the Staff Member's performance for such matters as entitlement to salary increases or sabbatical leave.

9. CONSULTING BY GFT ACADEMIC STAFF

- 9.1** Consulting and other clinical activities undertaken by geographic full-time Staff Members of the Faculty of Medicine, and analogous appointments in the Faculty of Dentistry, shall be governed by the policies, regulations and procedures of the relevant faculty and its teaching hospitals and such Staff Member's official letter of appointment.

10. DISCIPLINARY OFFENCE

- 10.1** The failure of a Staff Member to comply with the provisions of this Policy may constitute a disciplinary offence for the purposes of the *Regulations Relating to the Employment of Academic Staff* and the *Regulations Relating to the Employment of Librarian Staff*.

11. APPLICATION OF OTHER REGULATIONS & POLICIES

- 11.1** Consulting and all other outside activities of Staff Members are subject to the University regulations, policies and guidelines relating to conflicts of interest, the conduct of research, intellectual property, proprietary research and related matters as may exist from time to time.

12. Review of Policy

- 12.1** The operation of this Policy shall be reviewed at the end of its third year of operation by a working group comprised of four persons, namely: two representatives of the academic staff approved by Senate Nominating Committee, and one representative from each of

the Office of the Provost and the Office of the Vice-Principal (Research and International Relations).

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