



# Memorandum

**Office of the Provost**

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**TO:** Senate

**FROM:** Anthony C. Masi, Provost

**SUBJECT:** Individual Conflict of Interest

**DATE:** May 11, 2009

**DOCUMENT #:** D08-69

**ACTION REQUIRED:**  INFORMATION     DISCUSSION     APPROVAL / DECISION

**ISSUE:** *Proposed Regulation on Conflict of Interest (the "Regulation")*

**BACKGROUND & RATIONALE:** In light of discussions in Senate when the proposed *Policy on Conflict of Interest* was first presented (September 17, 2008), and subsequently with a small group of Senators, the document has been revised to reflect concerns expressed. The revised Regulation attached as Appendix A is deposited with Senate for information and a request for feedback to the Provost. The Regulation will return for approval in September 2009.

Note that the major change is the deletion of the provisions dealing with conflict of commitment and non-University activities. Thus the present proposal focuses simply on individual conflict of interest.

The reasons for the adoption of a comprehensive regulation on conflict of interest were provided in the supporting memorandum which was presented when the initial version of the regulation was brought to Senate for discussion last semester (see Senate document D08-03). In brief the Regulation seeks to:

- Provide a single framework within which the many and varied conflict situations which can arise in the increasingly complex environment in which universities and members of their communities must function;
- Clarify and rationalize the University's treatment of conflicts of interest, both actual and apparent, and avoid the risk of confusion and misunderstanding that can arise where overlapping policies exist addressing the same issue;
- Make the "rules" governing conflicts more easily accessible to all members of the community;
- Ensure uniform treatment of all conflict situations that arise;
- Provide clear guidance as to:
  - whom disclosure should be made
  - what should be disclosed
  - the factors that need be considered in resolving conflict situations

(matters on which current policies provide little or no assistance);

- Enhance the protection of the integrity and reputation of University and the members of its community;
- Assist in promoting a culture of honesty, transparency and accountability in all members of the community;
- Fulfill the institution's obligations to funding and accreditation agencies Canadian and foreign.

It is proposed that this Regulation will replace existing policies, and provisions in policies, which address conflict of interest. The policies that will be affected are:

1. *Policy on Conflict of Interest and Duty of Loyalty*
2. *Policy on Conflicts of Interest in Academic Supervision and Evaluation*
3. *Regulations Governing Conflicts of Interest in Proprietary Research*
4. *Regulations on Research Policy*
5. *Policy on Research Ethics*

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**MOTION OR RESOLUTION** N/A For information, requesting feedback, with the expectation that the **FOR APPROVAL:** Regulation will return in September for approval.

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**PRIOR CONSULTATION:** Senate; individual senators and members of the McGill community; MAUT; senior administration.

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**NEXT STEPS:** Return to Senate for approval in Fall 2009

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**APPENDICES:** Appendix A: Regulation on Conflict of Interest