



## CONFLICT OF INTEREST POLICY

### PRINCIPLE

St. Francis Xavier University (“the University”) fosters a climate that encourages its people to be creative and innovative, while seeking to achieve the highest possible quality in delivery of programs, services and the research it conducts, striving for excellence at all times. As a place of learning, the University encourages its faculty, staff and students to be broadly involved in professional interests and activities compatible with the University’s mission, values and commitments. Occasionally, the best interests of the University and the personal interests of its Stakeholders may conflict, or may be perceived to conflict.

The University holds itself to the highest ethical standard and recognizes that accountability and transparency are essential for its operation. To maintain public and professional trust and confidence, the University must deal with real, perceived or potential conflicts of interest in a fair, consistent and practical way. To manage conflict of interest issues, the University assesses them on an individual basis.

### PURPOSE

The purpose of this Conflict of Interest Policy is to define the University’s position on real, perceived or potential conflicts of interest and to provide processes and mechanisms to address these, so that the University and its external constituencies can be confident decisions and actions are not inappropriately influenced by personal interest.

The policy is intended to be complementary to other policies and collective agreements governing the conduct of Stakeholders.

### SCOPE

This policy applies to all Stakeholders of the University as defined below.

### DEFINITIONS

**Stakeholder:** Any person who teaches, conducts research, or works at or under the auspices of the University, and includes, without limitation, any person acting in his or her capacity as full- or part-time faculty, staff or student, clinical or adjunct faculty, per-course instructors, postdoctoral fellows, research assistants and associates, and any other persons while they are acting on behalf of or at the request of the University. This policy also applies to external personnel, businesses or organizations that interact with the University, such as, but not limited to, third party vendors or partners.

**Conflict of Interest:** A conflict of interest exists in any situation where there is a potential divergence between a Stakeholder’s personal interests and his or her obligations to the University, such that an independent observer would reasonably question whether the Stakeholder’s behavior or decisions are in any way motivated by considerations of personal interest, financial or otherwise, from a source other than the University. A conflict of interest may be real, perceived or potential. A conflict of interest does not necessarily imply wrongdoing, as a conflict of interest depends upon the circumstances and not on the character of a Stakeholder. In addition, the presence of a real, perceived or potential conflict of interest does not necessarily preclude the involvement of the

Stakeholder, but it does mean that the conflict should be declared by the Stakeholder and addressed by established procedures. Note that in the context of this document, “conflict” and “conflict of interest” are meant to refer in all cases to a “real, perceived or potential conflict of interest”.

Examples of conflict of interest situations are given in Appendix A of this policy.

Situations covered by Article 2.8 of the AUT/University Collective Agreement are governed by the terms of that agreement. All other conflicts, including those specified in Clause 9 of Appendix “A” of this policy, are governed by this policy.

**COIC:** Conflict of Interest Committee. Terms of reference of the COIC are attached to this policy as Appendix C.

**Family/Personal Associate:** A person related to a Stakeholder as a parent, spouse (including common law spouse), child (including adopted children), sibling or half-sibling, grandparent, grandchild, niece, nephew or any of these by way of marriage (“in-law” or “step” relatives); or a person who has a close personal, financial or intimate relationship with the Stakeholder. In some cases, a Family/Personal Associate may also include an individual with whom a Stakeholder has had any of the above relationships within the previous five-year period.

**Financial Interest and Financial Benefit:** The receipt or expectation of anything of monetary value, including pay or salary or other payments for services (e.g., consulting fees, bonuses, speaker’s fees, advisory board remuneration, finders or recruitment fees, or honoraria), equity interests (stocks, stock options or the like), security or other ownership interests, and intellectual property rights (e.g., patents, copyrights, royalties or carried interests or options related to such rights).

**Immediate Supervisor:** Normally, the Immediate Supervisor of the Stakeholder, according to the University organizational chart. The sole exception occurs in the context of Committee activity. When a Stakeholder is engaged in the work of a Committee, the Immediate Supervisor is the Chair of the Committee.

**Personal Interest:** This includes personal, financial, intimate or other interests of the Stakeholder or Family/Personal Associate.

## POLICY

1. Each Stakeholder of the University has a duty to assess his/her own interests, involvement and activities and to report any real, perceived, or potential conflicts of interest. In performing this duty, Stakeholders should take care to disclose activity that a reasonably informed observer might conclude to be in conflict with a Stakeholder's duties to the University.
2. When a situation arises that creates, or may be perceived to create, a conflict of interest for the Stakeholder, he/she must disclose this as soon as possible. Disclosure shall be made using the "Conflict of Interest Disclosure Form" attached to this policy as Appendix D. If the Stakeholder is uncertain whether a conflict of interest exists, or is likely to exist, he/she should seek clarification from an appropriate officer of the University pursuant to the Procedures for Resolving Conflicts of Interest (Appendix B). It may be necessary that an activity be placed on hold pending an assessment. If a Stakeholder is of the belief that a conflict of interest may exist for another Stakeholder, he/she may report his/her belief as described in the Procedures for Resolving Conflicts of Interest (Appendix B).
3. Any referral for advice and direction will be assessed in a timely and fair manner by the University in accordance with the Procedures for Resolving Conflicts of Interest (see Appendix B).
4. A conflict of interest may, in certain cases, be permitted when it can be managed in a way that protects and serves the integrity, reputation and interests of the University, including its legal and contractual obligations, and will stand the test of reasonable and independent scrutiny.
5. Assessing real, perceived or potential conflicts of interest requires the collection, use, possible disclosure and retention of personal information as defined in Nova Scotia's [Freedom of Information and Protection of Privacy Act \(FOIPOP\)](#), [Personal Information Protection and Electronic Documents Act \(PIPEDA\)](#), and [Personal Information International Disclosure Protection Act \(PIIDPA\)](#). The University will conduct all conflict of interest activities pursuant to this Policy in compliance with these Acts.

### 6. Communications and Record Keeping

The University is responsible for informing Stakeholders of the Conflict of Interest Policy upon appointment, at staff orientations, and through annual updates.

Acceptance of an offer of employment at the University will constitute the Stakeholder's acceptance of the Conflict of Interest Policy. The policy shall be provided for the potential employee to review when the University makes an offer of employment. On an annual basis, the University will remind all Stakeholders of their duty to disclose conflicts of interest according to this Policy.

The record of activities and decisions of the COIC will be maintained by the Human Resources Department and managed in accordance with the University's Records Management Policy. Conflict of Interest records referred to Human Resources, Advancement and Procurement Services will be reported to the COIC in summary format to protect confidentiality.

### 7. Non-Compliance

Failure to comply with the provisions of this policy constitutes misconduct and may be pursued under applicable collective agreements or other University policies. Failure to comply with the provisions of this policy may result in disciplinary action, up to and including termination of employment, in accordance with the terms of the applicable collective agreements or other University policies. The University reserves the right to recover any profit or financial benefit achieved by a Stakeholder as a result of non-compliance.

## Appendix A EXAMPLES OF CONFLICT OF INTEREST SITUATIONS

The following list, while not complete, is an illustration of situations that must be disclosed:

1. **Interest in a Research, Business, Contract or Transaction:** Entering into a research, business, contract or transaction on behalf of the University with a company, individual or firm in which the Stakeholder or a Family/Personal Associate currently has a Personal Interest, or has had a Personal Interest in the last five years.
2. **Influencing Purchase of Equipment/Materials or Services:** Influencing the purchase of equipment, materials or services for the University from a company or firm in which the Stakeholder or a Family/Personal Associate has a Personal Interest.
3. **Acceptance of Gifts, Benefits or Financial Favours:** Accepting gifts, benefits or financial favours from individuals or firms with which the University does business, or with which it is contemplating doing business ("Unacceptable gifts"). Examples of unacceptable gifts include, but are not limited to, merchandise, cash or gift certificates, excessive entertainment or substantial gifts of goods or services, or a gift or loan on preferential terms.

Notwithstanding the above, the acceptance of certain gifts, benefits, hospitality and financial favours is permissible ("Permissible gifts"). The following are permissible gifts:

1. Promotional items of a nominal value that do not exceed \$50.00 in value.
2. Gifts, benefits, hospitality and financial favours that :
  - are infrequent and of minimal value (low-cost promotional objects, simple meals, souvenirs with no cash value);
  - arise out of activities or events related to the official duties of the Stakeholder concerned;
  - are within the normal standards of courtesy, hospitality or protocol; and
  - do not compromise or appear to compromise in any way the integrity of the Stakeholder concerned or the University.

Where it is impossible to decline gifts, hospitality and other benefits that do not meet the principles set out above, or where it is believed that there is sufficient benefit to the organization to warrant acceptance of certain types of hospitality, a Stakeholder shall seek written direction from his/her Immediate Supervisor. The Immediate Supervisor will then notify the Stakeholder in writing whether the gifts, hospitality and other benefits are to be declined, or retained by the University, donated to charity, disposed of, or retained by the Stakeholder concerned.

4. **Inappropriate Use of Information:** Using for personal gain information that a reasonable person would view as privileged or confidential acquired as a result of the Stakeholder's University-supported activities, or communicating this information to those not authorized to receive it. Such information might include knowledge of any forthcoming developments requiring the selection of a contractor or bulk purchases. Other examples may include unreasonably delaying publication of research results or the premature announcement of research results for personal gain, or the inappropriate or unauthorized distribution of student records.
5. **Inappropriate Use of Stakeholders, Resources or Assets:** Directing University students or personnel to carry out work for the Stakeholder or his/her company in which the Stakeholder or a Family/Personal Associate has a Personal Interest. Using University resources or facilities without re-imburement to benefit a private concern in which the Stakeholder or a Family/Personal Associate has a Personal Interest.

6. **Inappropriate Involvement in Human Resources Matters:** Participating in the appointment, re-appointment, hiring, promotion or evaluation of a person, or in renewal of contracts, discipline matters, salary decisions, leave requests, expense claims or other HR matters relating to a person where the Stakeholder has, or has had within a previous five-year period, a Personal Interest.
7. **Evaluation of Academic Work:** Participating in an evaluation of a student's academic work where the Stakeholder has, or has had within a previous five-year period, a Personal Interest with a student or with a member of his/her family.
8. **Academic Program Decisions:** Participation in decisions by a Stakeholder to admit a student to a program, to provide instruction or supervision, to award prizes, scholarships, financial assistance or other benefits, to award teaching or research assistance, where the Stakeholder has, or has had within a previous five-year period, a Personal Interest with a student or with a member of his/her family.
9. **Favouring Outside Interests for Personal Gain:** Entering into a research contract with a company in which the Stakeholder or a Family/Personal Associate has financial interest. Directing the Stakeholder's government-sponsored research program to serve the research or development needs of a private firm in which the Stakeholder has a financial or other interest. Entering into a licensing agreement for the development of intellectual property, generated as a result of University research with a company in which the Stakeholder has a Personal Interest.

The above list is not complete and Stakeholders should be aware that there are other situations which may arise which could put them in a conflict of interest position. In such situations, Stakeholders should seek advice pursuant to the Procedure for Resolving Conflicts of Interest (Appendix B).

## Appendix B PROCEDURES FOR RESOLVING CONFLICTS OF INTEREST

### 1. Declaring Conflicts of Interest

- A. For all matters of an academic nature, as soon as a Stakeholder identifies that he/she is in a real, perceived or potential conflict of interest, the matter must be reported in writing by using the Conflict of Interest Disclosure Form (Appendix D), to:
- the internal Stakeholder's Immediate Supervisor (and for external Stakeholders, the StFX contact), if the Stakeholder feels the situation may be resolved via the procedure in Section 2 below.
  - the Chair of the COIC, in all other cases. The conflict will then be resolved using the procedure in Section 3.
- B. Any conflict of interest arising from research not involving human subjects (whether funded internally or externally to the University, or unfunded) shall be disclosed in all cases to the Chair of the COIC, and resolved using the procedure in Section 3.
- C. Where the conflict relates to research involving human subjects, disclosure must be made to the [Research Ethics Board](#). The Research Ethics Board will make a decision and copy the University's Conflict of Interest Committee.
- D. For all matters of a non-academic and non-research nature, such as [employment](#), operations, [advancement](#) and [procurement](#) related matters, where a conflict of interest may arise, as soon as a Stakeholder identifies that he/she is in a real, perceived or potential conflict of interest, the matter must be reported in writing to the appropriate Immediate Supervisor.
- E. If any Stakeholder believes that another Stakeholder is in a real, perceived or potential conflict of interest that has not yet been reported, he/she should report his/her concern to the appropriate Immediate Supervisor or the COIC.

### 2. Conflicts of Interest Resolved by an Immediate Supervisor

Often a conflict of interest can be resolved quickly and effectively by an Immediate Supervisor. In the course of a given University activity, a conflict may arise that is simply resolved by having the Stakeholder involved temporarily disengage from the activity until the conditions that create the conflict pass.

For example, such situations are common during Committee activities. If an item of business comes before a Committee that creates a conflict for a Committee Member, the Member will declare the conflict to the Chair. If the Chair decides that the business item can be effectively addressed by the Committee in the absence of the Member, the Member can be excused from the Committee during consideration of that business item.

Another example occurs when a task that is normally the responsibility of a Stakeholder can be effectively delegated by the Immediate Supervisor to another Stakeholder in order to avoid a conflict from occurring.

In such cases, the following procedures apply:

- a. If a Stakeholder declares a conflict to his/her Immediate Supervisor, and the Immediate Supervisor determines that the conflict is resolved through temporary disengagement of the Stakeholder, then the conflict need not be referred to the COIC. In this case, the Immediate Supervisor will create a written record of the conflict and its resolution, and provide a copy to the Stakeholder. The COIC reserves the

right to obtain copies of such records upon request. In the context of Committee work, the conflict and its resolution will be recorded in the Committee minutes.

- b. If the Immediate Supervisor determines that the conflict may not be satisfactorily resolved through disengagement of the Stakeholder, or that the interests of the University are not well served by disengaging the Stakeholder, then the matter will be referred to the COIC by the Immediate Supervisor.
- c. At any time, before or after a decision of an Immediate Supervisor, when resolving a conflict according to this Section, either the Stakeholder or the Immediate Supervisor can refer the conflict to the COIC, if either feels that the best interests of the University are not being served.

Note that the procedure described in this section is intended to resolve minor and easily managed conflicts of interests that routinely arise in the conduct of University activities, and that are unrelated to research.

### **3. Conflicts of Interest Resolved by the Conflict of Interest Committee**

Conflicts of interest disclosed to the Chair of the COIC will be subject to the following process.

Upon receipt of a written disclosure of a conflict of interest, the Chair of the COIC will consider the particulars of the situation and decide if a preliminary ruling can be made on whether a conflict of interest exists, and if so, on how the conflict is to be managed.

If the Chair opts to prepare such a preliminary ruling, it will be provided in writing to the Stakeholder, and submitted for review at the next meeting of the COIC. The actions of the Stakeholder will be bound by this ruling unless amended by the COIC.

Preliminary rulings made by the Chair will be reviewed, and amended as necessary by the COIC. If the Chair does not opt to prepare a preliminary ruling, the case will be submitted to the next meeting of the COIC for resolution. All such cases will be discussed to determine whether a conflict of interest exists, and if so, how the conflict is to be managed. In its deliberations, the COIC may take into account the following factors:

- the potential impact on the Stakeholder's ability to satisfy his or her obligations to the University;
- the degree to which it may compromise an investigator's professional judgment in conducting or reporting research;
- any possible harm to the University or its employees, officers or others acting on its behalf;
- any possible harm to the interests of students, clients of University services, or others served by the University;
- whether reasonable alternative arrangements are possible which do not create a conflict of interest;
- the extent to which the proposed action or activity may be managed through an appropriate protocol
- the consequences to the University, its reputation and future activities;
- the educational, research, economic and other interests of the University; and
- the rights and interests of the University Stakeholder.

The COIC may request from the Stakeholder additional information that relates directly to and is necessary to assess and decide on the conflict. The COIC may consult with others before making a decision relating to conflict.

The COIC may impose terms and conditions to manage the conflict of interest, or disallow a conflict of interest.

In all cases, the COIC will issue a written decision to the Stakeholder who has disclosed the conflict of interest. The written decision will include the reasons for the decision. Where the decision is to manage the conflict, a process for doing so will be set out. For reporting purposes, a copy of any report relating to a research grant or

contract will be forwarded to the Research Grants Office. The report will be digitized and stored as part of the permanent record of a research grant or contract.

Once a decision has been made, Stakeholders are obliged to report any change of circumstances that could impact the initial decision. The original decision may be reversed or varied.

The decisions of the COIC are final.

## Appendix C CONFLICT OF INTEREST COMMITTEE (COIC): TERMS OF REFERENCE

### 1. Authority

The Conflict of Interest Committee (COIC) is established under the authority of the President for the purposes of assessing conflict of interest disclosures, determining whether the conflict can be managed or must be disallowed, and, where possible, developing plans for managing conflict of interest.

### 2. Mandate

- Provide guidance and advice to the university community in the area of conflict of interest
- Assess conflict of interest disclosures
- Determine whether the conflict can be managed or must be disallowed
- Establish plans for managing disclosed and assessed conflicts of interest
- Monitoring the implementation of such plans
- Oversee and implement university-wide education and awareness on conflict of interest
- Provide an annual summary report to the President on all cases of conflict of interest.

### 3. Operations

The COIC will meet regularly, or as required, as Conflict of Interest disclosures are received by the Chair.

The COIC will follow the procedures described in the Procedures for Resolving Conflicts of Interest (Appendix B).

In assessing and making determinations regarding managing conflicts of interest and without limiting the discretion of the COIC in assessing a disclosure to consider all relevant factors, the COIC will consider those factors listed in Appendix B, Article 3.

Members of the COIC will treat as confidential any disclosures made under the Conflict of Interest Policy and any and all related documentation and decisions.

The Chair of the COIC will collect the records and documents of the COIC's work and will ensure that such records and documents are securely stored in the Human Resources Department.

The decisions of the COIC are final.

### 4. COIC Membership

- One faculty member nominated by General Faculty
- One member of StFX AUT nominated by the StFX AUT Executive
- One union member nominated by the union executives on a rotating basis (CAW, CUPE, NSGEU)
- One student nominated by the Student Union Executive
- One member from non-union management
- One member from non-union non-management
- One member from the Human Resources Department, who will also serve as COIC Secretary.

The above members will serve for a term of up to three (3) years. Membership will be staggered to ensure continuity. Members of the COIC will be confirmed by the President. A Chair will be appointed from this membership by the COIC.

**Appendix D**  
**CONFLICT OF INTEREST DISCLOSURE FORM - CONFIDENTIAL**

**PART I**

Name: \_\_\_\_\_ Campus Phone #: \_\_\_\_\_

Title: \_\_\_\_\_ Email Address: \_\_\_\_\_

Department: \_\_\_\_\_ Date: \_\_\_\_\_

The University's Conflict of Interest Policy and Procedures should be read prior to completing this form. The form is intended for those persons who are disclosing their own or another Stakeholder's conflict of interest, whether real, perceived or potential, for situations other than those involving research on human subjects. Where the conflict relates to research involving human subjects, disclosure must be made to the [Research Ethics Board](#). The Research Ethics Board will make a decision and copy the University's Conflict of Interest Committee.

**CONFLICT OF INTEREST DISCLOSURE**

Indicate the real, perceived or potential conflict of interest situation(s) you are disclosing:	Yes ( √ )
Interest in a Research, Business, Contract or Transaction	
Influencing Purchase of Equipment/Materials or Services	
Acceptance of Gifts, Benefits or Financial Favours	
Use of Information	
Use of Students, University Personnel, Resources or Assets	
Involvement in Personnel Decisions	
Favouring "Outside Interests" for Personal Gain	
Undertaking of Outside Activity	
Other (please specify):	

Describe the Relationship: (Attach pages if necessary)


Describe the Real, Perceived or Potential Conflict of Interest Situation(s): (Attach pages if necessary)


If insufficient details are submitted, the COIC may request additional information.

The completed form and any additional pages must be submitted to the appropriate person in accordance with Appendix B of the St. Francis Xavier University Conflict of Interest Policy.

I have read the Conflict of Interest Policy and Procedures and the above information and I understand the requirement for disclosure. The details are accurate to the best of my knowledge. If, at any time following the signing of this Conflict of Interest Disclosure Form, there occurs any material change to the information given

herein regarding conflict of interest, either by way of addition or deletion, I shall immediately file a supplementary Disclosure Form with my Immediate Supervisor.

\_\_\_\_\_  
Stakeholder's Name (please print)

\_\_\_\_\_  
Stakeholder's Signature

\_\_\_\_\_  
Date

**PART II**

**RECOMMENDATION OF IMMEDIATE SUPERVISOR**

This section must be completed by the Immediate Supervisor or appropriate Human Resources officer.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

I \_\_\_\_\_ have considered the particulars of the situation described  
(name)

in **PART I** of the Conflict of Interest Disclosure Form and am making the following recommendations:

I. That a conflict of interest exists Yes  No

II. That the conflict of interest should be Allowed  Disallowed

III. That if the conflict of interest is allowed, the following conditions shall apply in order to manage the situation appropriately:


\_\_\_\_\_  
Signature of Immediate Supervisor or HR Officer

\_\_\_\_\_  
Date

**Forward the completed form and any additional pages to the Chair of the University's Conflict of Interest Committee, when the matter is to be considered by the COIC.**

**NOTICE:** The personal information collected on this form is collected for the purpose of assessing a potential conflict of interest in accordance with the Conflict of Interest Policy of St. Francis Xavier University. The information will be used by the Immediate Supervisor/Human Resources (as appropriate) and the Conflict of Interest Committee and will not be disclosed to a third party, except as authorized by the [Freedom of Information and Protection of Privacy Act \(FOIPOP\)](#), [Personal Information Protection and Electronic Documents Act \(PIPEDA\)](#), and [Personal Information International Disclosure Protection Act \(PIIDPA\)](#) and/or as required by law. Questions about the collection and use of the personal information may be directed to the Human Resources Department at [HR General Enquiries](#) or phone (902) 867-2466.

