Management of Conflict of Interests – Guidance for Departments

Background

A conflict of interest is any situation in which the personal interests of a staff member or student, or interests that they owe to another body, may (or may appear to) influence or affect that person’s decision making or influence on a University decision or other activity.

The University of Oxford Statement of policy and procedure on conflict of interest states that all academic and other staff and students, external members of committees, and all others working in the University (including grant holders and emeritus researchers), and staff and directors of University subsidiary companies have a duty to declare the interest at the time the conflict first arises, or it is recognised that a conflict might be perceived. In a committee meeting, a declaration should be made to the chairman before discussion of the relevant item. Otherwise, declarations should be made to the relevant person, as set out in paragraphs 19 - 20 and Appendix B of the policy.

Once such a declaration has been made, the Head of Department should consider factors such as:

(a) the level of the staff member’s influence in relevant decision-making on behalf of the University;
(b) the extent of the staff member’s role within any relevant external body;
(c) the significance of any financial interest held by the staff member;
(d) whether disclosure has been made to all relevant parties, e.g. funding bodies;
(e) whether information provided to third parties about the relationship between the external body and the University is accurate;
(f) whether any necessary permissions have been sought and approved (for example, for the holding of outside appointments and consultancies, and the use of University premises or facilities by external bodies);
(g) how a member of the public might view the arrangements.

The factors to be considered will be context-specific and the Head of Department may wish to take advice on what other factors they should be considering.

In managing the conflict of interest, the University’s Statement notes that one or more of the following strategies may be appropriate:

- not taking part in discussions of certain matters;
- not taking part in decisions in relation to certain matters;
- referring to others certain matters for decision;
- resolving not to act as a particular person's supervisor;
- divesting or placing in trust certain financial interests;
- publishing a notice of interest;
- standing aside from any involvement in a particular project;
- and/or declaring an interest to a particular sponsor or third party.

For committee meetings, this may mean asking members with a conflict to refrain from participating in any decision on the matter in question, or to leave the meeting for discussion of that item. In other scenarios, a plan of action might need to be agreed in order to manage or avoid the conflict; this should be provided to the relevant parties, together with any other associated documentation, and be retained in the department’s records. If you are unsure how to manage a particular conflict of interest, or if it proves impossible to resolve the conflict by means of the processes outlined above, the matter

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1 http://www.admin.ox.ac.uk/researchsupport/integrity/conflict/policy/
2 http://www.admin.ox.ac.uk/finance/financialregulations/8ethicalbehaviour/
http://www.admin.ox.ac.uk/personnel/staffinfo/academic/approvaltoholdoutsideappointments/
http://www.admin.ox.ac.uk/iso/statutes/rulesforlettingfunctionalspace/
should be referred to the Conflict of Interest Committee (the first point of contact is the Secretary of the Committee at coisec@admin.ox.ac.uk).

A template plan of action is enclosed at Annex A. Departments are under no obligation to use this model but any alternative must provide adequate documentation of the plan.

An example of how a conflict of interest arose in a particular department and was subsequently managed is enclosed at Annex B.

A list of useful websites is set out below:

**Research Services** (website: [www.admin.ox.ac.uk/researchsupport](http://www.admin.ox.ac.uk/researchsupport))

- Research Integrity and Ethics: [http://www.admin.ox.ac.uk/researchsupport/integrity/](http://www.admin.ox.ac.uk/researchsupport/integrity/)
- Conflict of Interest (also includes links to General Education Resources and Interactive Training): [http://www.admin.ox.ac.uk/researchsupport/integrity/conflict/](http://www.admin.ox.ac.uk/researchsupport/integrity/conflict/)

**Isis Innovation** (website: [www.isis-innovation.com](http://www.isis-innovation.com))

- Helps to commercialise intellectual property arising from research conducted by the University of Oxford (e.g. patenting, licensing, spin-out companies) and to identify and manage consulting opportunities.

**Legal Services Office** (website: [www.admin.ox.ac.uk/lso](http://www.admin.ox.ac.uk/lso))

- Provides a list of FAQs and a set of useful links.

**Charity Commission** (website: [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk))

- Provides a guide to conflicts of interest for charity trustees: [http://www.charitycommission.gov.uk/charity_requirements_guidance/charity_governance/good_governance/conflicts.aspx](http://www.charitycommission.gov.uk/charity_requirements_guidance/charity_governance/good_governance/conflicts.aspx)

1 May 2013
### Developing a Plan of Action (please expand the rows/boxes as necessary)

1. **Name and position of the person making the declaration**

2. **Date of the initial declaration**

3. **Name and position of the person to whom the declaration is being made**

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<th>Issue/Question</th>
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<tr>
<td>4. Brief Description of the Conflict of Interest (Col) or potential Col</td>
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<td>5. What decisions or interests of or within the collegiate University might be or be seen to be affected by the Col/potential Col?</td>
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<td>6. What actions might be taken to manage or avoid the conflict?</td>
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### Following discussions

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<td>7. Describe here the course of action agreed</td>
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<tr>
<td>8. Which individuals, groups or organisations need to be informed about the Col and the course of action agreed?</td>
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<td>9. Who will inform then, how and when?</td>
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<td>10. Do you wish to review the situation and this plan at some point in the future? (If so, agree and note when and who will initiate that review/further discussion)</td>
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### Sign-off by the relevant parties (add further rows as appropriate)

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<th>Name</th>
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Management of a conflict of interest – example

A member of staff (Dr X) at the University of Oxford asks Research Services to draw up a contract for a project to study the effects of Bacteria Z and Bacteria W on oil based compounds, to be done in collaboration with and funded by a company called Clean Up UK PLC.

During the initial meeting between the researcher (Dr X), her Department Administrator and Research Services, they begin to discuss the Contract Request Form, including the section which asks about conflicts of interest, and Clean Up's standard form agreement. Dr X explains that she would like a graduate student in her lab to be involved in carrying out some of the research. And she advised that Clean Up owns the patent on Bacteria Z for this specific area of application. During the meeting Dr X advises that she is a co-founder and has a 35% ownership in Clean Up.

In accordance with the University’s policy, a plan is documented in writing, setting out how the conflict will be actively managed. The following steps were agreed and, where appropriate, set out in the plan approved by the Head of Department (and held in the department’s records):

1. Dr X met with her Head of Department and it was agreed that Professor A (the Head of her Lab) be formally appointed to act as the senior research contact for Research Services in relation to the proposed contract. Dr X thus stood aside from any formal role in terms of advice to Research Services or final recommendations on the acceptability of the draft contract given her financial interest in Clean Up.

2. Dr X, Professor A, and the Department’s Graduate Studies Coordinator met and agreed with the Head of Department that the project was not well suited for a graduate student, so the research team would look at involving a Research Assistant short-term.

3. Dr X, Professor A and the Head of Department agreed that all those working on the contracted project with Clean Up would be advised in writing by Dr X of her financial interest in Clean Up and that should they have any questions or concerns about the project that they could not address with Dr X to their satisfaction, these should be taken up with Professor A.

4. The Contracts Specialist in Research Services negotiated changes to the contract initially presented by Clean Up, and prepared a signature memo to her Head of Team, appending final recommendations by Professor A and the Head of Department.

5. The Head of the Research Services Team asked, and the Department agreed, that Professor A take overall responsibility for the conduct and reporting of the project; it being especially important to put in place specific measures related to the results of the research being accurately reported given the commercial interest which Clean Up had in the results and Dr X's stake in Clean Up. Dr X and Professor A subsequently agreed that draft papers arising from this project would be internally reviewed by at least two experts prior to any paper being submitted for publication. Dr X and Professor A also agreed that any press releases about the project would be subject to formal approval by the Head of Department.

6. The Head of the Research Services Team signed the Agreement, on behalf of the University.