



RESEARCH CONFLICT OF INTEREST PROCEDURE

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| Applicability: | Bond University staff and students engaged in research, including joint, adjunct and honorary appointees |
| Parent Policy | Research Code of Conduct Policy (TLR 5.06) |
| Contact Person: | Director, Research Services |
| Procedure Status: | Active as of 1 September 2020 |
| Responsibility | Researchers, Associate Deans Research, Executive Deans |
| Related policies: | Code of Conduct Policy (HRP 3.05) Research Code of Conduct Policy (TLR 5.06) Staff Consultancy Policy (TLR 7.01) Bond University Human Research Ethics Policy (TLR8.01) Australian Code for the Responsible Conduct of Research Council of Deans and Directors of Graduate Studies in Australia (DDOGS) Conflict of Interest Guidelines Guidelines for NIH/PHS financial conflict of interest compliance |

1. OVERVIEW

The purpose of this procedure is to:

- outline the principles applying to perceived, potential and actual conflicts of interest;
- ensure Researchers are aware of their responsibility to declare perceived, potential and actual conflicts of interest and the process for lodging; *and*
- ensure that conflicts of interest are managed appropriately.

Bond University is committed to ethical practices and standards. This includes acknowledging responsibility for decisions and actions, as individuals and as an organisation, exercising power responsibly and acting with transparency, integrity and professionalism.

By subjecting Research to appropriate review, the University endeavours to ensure compliance with current ethical guidelines and legislative frameworks as they apply to Research.

Commercialisation of research is increasingly important to the University and it is recognised that substantial benefits can arise from collaborations and relationships with industry in the licensing and marketing of research discoveries, including through the creation of a spin-off company. These activities may also be a source of potential conflicts of interest which need to be appropriately managed.

Conflicts of interest may compromise, or have the appearance of compromising, a Researcher's ethical behaviour and professional judgement in the conduct and reporting of their research. It is critical that such conflicts are appropriately managed as they can compromise the validity and integrity of the research process and undermine public confidence in the University.

This procedure assists Researchers to engage with ethical questions of conflict of interest as they arise and to be conscious of the impacts of decisions with respect to any perceived, potential or actual conflict of interest.

2. CATEGORIES OF CONFLICTS OF INTEREST

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| Potential | A potential conflict of interest arises where a Researcher has an interest or obligation, whether personal or involving a third party, that has the capacity to develop a conflict with the Researcher's duties/responsibilities with the University. |
| Perceived | A perceived conflict of interest exists where it could be reasonably be perceived, or give the appearance, that a competing interest could improperly influence the research-related decisions/activities of a Researcher. |
| Actual | An actual conflict of interest involves a direct or real conflict between a Researcher's |

duties and responsibilities to the University and a competing interest or obligation, whether personal or involving a third party.

3. RESEARCHER OBLIGATIONS

- 3.1. Researchers have responsibilities under the Australian Code for the Responsible Conduct of Research (the Code), the National Health and Medical Research Council (NHMRC), the Guidelines for NIH/PHS financial conflict of interest compliance.
- 3.2. Researchers must act with integrity and demonstrate ethical behaviour in accordance with Bond University's Code of Conduct Policy and Research Code of Conduct Policy and other policies and procedures when faced with the potential of a clash between their private interests and the University's interests and where this may raise ethical or legal issues.
- 3.3. Researchers must be transparent about any perceived, potential or actual conflicts of interest ensuring declarations are made at an early stage and regularly thereafter, and/or seek advice from the Research Ethics Manager when doubt exists.
- 3.4. Bond University's research activities must be conducted to the highest ethical standard by incorporating ethical reviews of all research activities involving human or animal subjects conducted.
- 3.5. Researchers in the areas of biomedical and clinical research should not receive any direct benefit and must disclose any indirect benefit from the outcome of clinical trials.

4. AREAS OF CONFLICT OF INTEREST FOR RESEARCHERS

Commercial (including directorships and shareholdings)

- 4.1. Where a Researcher holds an interest in a directorship, shares, or has a personal connection with a company, the Researcher should:
 - (a) remove themselves from the conflict; and
 - (b) ensure appropriate controls are in place to manage the conflict; and/or
 - (c) disclose the conflict prior to any research activity taking place.

Employment matters

- 4.2. A Researcher should not take any direct part in any of the below activities where a Personal Relationship exists with the person concerned unless otherwise authorised to do so under a conflict of interest management plan:
 - (a) the recruitment and appointment of a staff member;
 - (b) the supervision of a staff member;
 - (c) the supervision of a student;

Financial

- 4.3. All decisions made by a Researcher that have a financial impact on the University must be made with integrity and in accordance with Bond University's Code of Conduct Policy and Research Code of Conduct Policy.
- 4.4. A financial conflict of interest may arise for a Researcher if they or their spouse/dependent:
 - have financial involvement (including having equity, holding a directorship, being a consultant) with an external company or funding agency that funds any part of the research they are undertaking or in an agency paid from the grant funds;
 - are involved in financial or non-financial decisions about equipment on the University's behalf.

Gifts, benefits and hospitality

- 4.5. Researchers must not receive any gift, benefit or hospitality that could reasonably be interpreted by others as an actual, perceived or potential conflict of interest.
- 4.6. Researchers must not receive a cash gift that could reasonably be interpreted by others as an inducement or a conflict of interest.
- 4.7. Researchers must not seek or solicit for themselves or others any gift, benefit or hospitality in connection with their research at the University that could be reasonably interpreted by others as an inducement or a conflict of interest.
- 4.8. Because the use of independent thesis examiners is an important defining feature of Australian Higher Degree by Research (HDR) programs, it is acknowledged that the payment of an honorarium to an examiner of a higher degree submission, in accordance with the Universities' Australia policy, will not breach this policy.

Paid Outside Work

- 4.9. Researchers' Paid Outside Work must comply with the Bond University Staff Consultancy Policy.
- 4.10. In accordance with this Procedure, the Bond University Research Code of Conduct Policy and the Bond University Code of Conduct Policy, Researchers must disclose any perceived, potential or actual conflict of interest or Conflict of Commitment arising from an engagement or activity they have or may have outside the University and devise a conflict management plan in consultation with their ADR to resolve or manage the conflict.

Staff/student Personal Relationships

- 4.11. Bond University will not tolerate coerced and exploitative relationships; these must not occur. Researchers must declare any new or existing Intimate or Close Personal Relationship, which may give rise to any perceived, potential or actual conflict of interest. Once declared, a conflict of interest management plan is to be made, which details appropriate dealings between the participants on research matters.
- 4.12. Personal Relationships between staff and students must not afford an undue advantage or disadvantage because of the existence of such Personal Relationship.
- 4.13. Researchers must conduct themselves professionally and appropriately in their dealings with the University.
- 4.14. Where a Researcher is unclear or in breach of maintaining professional boundaries or a Personal Relationship exists, the Researcher must disclose the relationship in accordance with this Procedure.
- 4.15. Researchers must not supervise or assess the work of a student with whom they have a Personal Relationship.

Examples of conflict of interest

- 4.16. Further guidance on the types of activities that might be perceived, potential or actual conflict of interest is set out in the Conflict of Interest Examples and Actions Guideline (see p.4 below).

5. DECLARING RESEARCHER CONFLICTS OF INTEREST

Declaring a conflict of interest is easy, and accessible. Conflicts declared will not be judged or assessed by others, and will not be negatively impactful. The conflicts declared will be included in the University Conflicts Register, and will be retained indefinitely

As a part of normal practice, the Research Office will check for declared conflicts as a part of the external funding and ethics application processes.

Declarations will be also noted by the Company Secretary and the Faculty delegate.

Complete the Conflict of Interest Disclosure using the WorkFlow Gen form

This eform includes details about the conflict and the proposed management plan.

6. WHISTLEBLOWING

- 6.1. The Queensland Public Interest Disclosure Act 2010 ('PID Act'), the Crime and Corruption Act 2001 and the Ombudsman Act 2001 aim to encourage and facilitate the making of disclosures of improper conduct or detrimental action by public officers and public bodies. They provide protection to whistleblowers who make disclosures in accordance with the PID Act and establish systems for the matters disclosed to be investigated and for remedial action to be taken.
- 6.2. A Researcher has the right to take a complaint of improper conduct or detrimental action in reprisal for a public interest disclosure to [CCC Queensland](#) or the [Ombudsman](#). If a Researcher contemplates making a disclosure of improper conduct or detrimental action related to Bond University, they should contact [CCC Queensland](#) in the first instance.
- 6.3. If a Researcher chooses to make a complaint directly to Bond University rather than to [CCC Queensland](#) or the [Ombudsman](#), they will have their complaint dealt with under the University's policies and procedures, unless the University is otherwise instructed by [CCC Queensland](#) or the [Ombudsman](#).

7. PRIVACY

- 7.1. Information arising from conflict of interest declarations are managed in accordance with Bond University's Privacy Policy.

8. BREACH OF PROCEDURE

- 8.1. Bond University treats any breach of our policies or procedures seriously. This includes failure to disclose a conflict of interest. We encourage reporting of concerns about non-compliance and manage compliance in accordance with the applicable Enterprise Agreement or contract terms.
- 8.2. Failure of Researchers to comply with this procedure may also result in loss of funding for the University.

9. DEFINITIONS

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| Close Personal Relationship | May involve a friendship, relative or cultural family relationship, or financial dependant. |
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| Conflict of Commitment | Occurs when one interest of a Researcher, which may or may not be a private interest or non-University interest, may harm or interfere with the productivity or involvement of that Researcher in aspects of their University responsibilities. It may concern the Researcher's distribution of efforts between research obligations to the University and to outside activities. |
| Conflict of Interest | Refers to a situation where a conflict arises for a Researcher between two competing interests, which are often, but not exclusively, interests of public duty versus private interests. Conflicts of Interest may be reasonably perceived, potential or actual. |
| Financial Interest | Any employment, business activity or other right, claim, title or legal share in something that has a monetary or equivalent value. Examples of Financial Interest include, but are not limited to, distributions from trusts, directorships of trusts, significant shareholding (more than 5% of issued capital) in a public or private company, shares, share options, dividends, and the right to receive remuneration or other benefits such as salaries, fees from company directorship or board membership, consulting fees, allowances and discounts. For the purpose of this procedure, this includes any substantial sources of income (more than \$10,000 per annum) other than from paid employment with the University. |
| Intimate Personal Relationship | A relationship which goes beyond the bounds of a platonic or working relationship, regardless of gender. For example, dating, romantic, sexual etc. which is consensual. |
| Material Personal Interest | A party who has a Material Personal Interest has the capacity to influence the behaviour of one party to a relationship for the benefit of another party to the relationship or for the benefit of a third party. The interest may not be personal if it affects the party as a member of a wide group or class and in the same manner and to the same degree that it affects the other members of the group or class. |
| Non-Financial Interest | Any community or other voluntary activity or involvement including with a sporting club, church, political party or other formal or informal association or group including voluntary directorships/board memberships for which the Researcher receives no monetary benefit. |
| Paid Outside Work | Remunerated work or a professional development activity that a Researcher undertakes for an external party which is outside their normal University duties and may create a Conflict of Commitment and in certain circumstances an actual, perceived or potential conflict of interest. |
| Personal Relationship | A relationship between a Researcher and a prospective or current Researcher of Bond University, which can be a Close Personal Relationship, an Intimate Personal Relationship or involve a Material Personal Interest (as defined in this Procedure). |
| Researcher | Any individual or group of persons who conduct research at or on behalf of the University, including higher degree by research (HDR) students. |

10. RELATED GUIDELINES AND FORMS

Conflict of Interest Form

CONFLICT OF INTEREST EXAMPLES AND ACTIONS GUIDELINE

INTRODUCTION

The following guidelines provide some examples detailing situations where it is considered a conflict of interest may, or may not, arise or exist. It is impossible to define all the potential areas where a conflict of interest may arise and therefore if a Researcher is in any doubt as to whether a conflict may exist, they should seek advice from their ADR or Executive Dean.

The examples provided have been separated into three categories:

- activities which are normally or ordinarily permissible;
- activities that appear to present potential conflicts of interest or commitment; and
- activities that clearly present such serious problems/issues as to be incompatible with University policy.

1 Activities which are normally or ordinarily permissible include:

- 1.1 Participation in scientific or professional association activities, editorial responsibilities, or service on scientific review boards and panels.
- 1.2 The acceptance of honoraria for commissioned papers and occasional lectures (provided the arrangement is in accordance with University policy).
- 1.3 Service as a consultant to outside organisations (provided the arrangement is in accordance with University policy).
- 1.4 Service on boards and committees of organisations (public or private) that does not unduly distract the Researcher from their University obligations.
- 1.5 Performance of duties that are specified under the Researcher's engagement profile.

2 Activities that appear to present potential conflicts of interest or commitment include:

- 2.1 Where a Researcher has a personal/Financial Interest in an enterprise, with which the University does business and could be perceived to be in a position to influence relevant business decisions.
- 2.2 Situations where the time or creative energy that a Researcher devotes to activities additional to their University commitment appears substantial enough to compromise the amount or quality of their University activities.
- 2.3 Activities for which a Researcher is personally remunerated from an external source/party (eg. research projects, conferences, teaching programs, remunerative consulting agreements, etc) that involve, or might reasonably be perceived to involve, the University's name, facilities, equipment and staff.
- 2.4 Activities that breach, or might reasonably be perceived to breach, any of the principles governing research supported by funds administered through the University insofar as these principles are relevant to individual behaviour.
- 2.5 A Researcher having a commitment paid or unpaid outside the University that involves frequent or prolonged absence from the University on non-University business.
- 2.6 Holding positions, such as Chief Scientific Officer, in companies sponsoring and conducting research at the University while simultaneously being a Researcher.
- 2.7 Chairing a committee responsible for allocating internal funding for research at a faculty or university level where funding is granted to the chair's Faculty or Research Centre.

3 Activities that present such serious problems as to be incompatible with University policies include:

- 3.1 Situations in which a Researcher assumes responsibilities for an outside organisation that diverts their attention from their University duties or creates other conflicts of loyalty. These could be paid or unpaid positions.
- 3.2 Use of unpublished information emanating from University research or other confidential University sources for personal profit, or assisting an outside organisation by giving it unreasonably exclusive access to such information.
- 3.3 Consulting under arrangements that impose obligations that conflict with the University's intellectual property or with the University's obligations to its research sponsors.
- 3.4 Circumstances in which research that could and ordinarily would be carried on within the University is conducted elsewhere to the disadvantage of the University and its legitimate interests.
- 3.5 Negotiations by a Researcher of the terms under which any intellectual property, or other property of the University, is to be sold, licensed or transferred to an external entity in which the Researcher has a Financial Interest.
- 3.6 A Researcher holding shares in a company controlled by one of the students or staff over whom they have responsibility.
- 3.7 A Researcher holding shares in a company that is sponsoring research at the University, where that research is managed or controlled by the Researcher or they could be perceived to be in a position to influence relevant decisions.

- 3.8 A Researcher directing University resources that can influence an external entity's development where they or family members are directors or shareholders of that entity.
- 3.9 A Researcher accepting gifts of value, grants and/or favours from persons or associates who would be seen to benefit from the making of these gifts.
- 3.10 A Researcher involved in the supervision or examination of a student with whom they have, or have had, a financial or Close Personal Relationship.
- 3.11 A Researcher taking part in any selection, promotion, reclassification, evaluation or grievance process with prospective or current Researchers with whom they have, or have had, a financial or Close Personal Relationship.
- 3.12 A Researcher co-supervising a graduate research student with another Researcher with whom they have, or have had, a Close Personal Relationship.
- 3.13 A Researcher using University assets or confidential University information for their personal gain, or for the benefit of family or friends.
- 3.14 A Researcher with responsibility for the supervision of a student or another member of staff with whom they have or have had a sexual relationship.
- 3.15 A Researcher taking part in the assessment of a tender application where they have, or have had, financial or Close Personal Relationship with a person or organisation submitting a tender application.
- 3.16 A Researcher undertaking research/clinical trials which are sponsored by a company in which the researcher (or an associate of the researcher) has a Financial Interest or holds an executive position.
- 3.17 A Researcher holding an equity interest or executive position in a start-up company that has contracted with the University to conduct further research.

4 Options to Avoid or Manage Conflicts of Interest Options for management include the following, which in some circumstances could be incorporated into a management plan:

- 4.1 Taking no further action because the potential for conflict is minimal or can be eliminated by disclosure and effective supervision.
- 4.2 Informing persons likely to be affected of the University's examination of the disclosure and decision that there is no conflict or the potential for conflict is minimal.
- 4.3 Where there may be a reasonably perceived conflict of interest or whereby processes are already underway when the perception is raised - appointing an independent third party to oversee the integrity of the process.
- 4.4 Appointing extra persons to the panel or committee to minimise the influence of the individual about whom the perception is held.
- 4.5 Seeking the views of persons likely to be affected about the person continuing in the process.
- 4.6 Restricting the access of the person to relevant information that is sensitive or confidential.
- 4.7 Requesting the person to relinquish or divest the personal interest, which creates the conflict, or to make arrangements such as a blind trust.
- 4.8 Removing the person from the responsibilities or duties to which the conflict relates.
- 4.9 Making arrangements for members of boards and committees to absent themselves from debate or decision on specific matters.
- 4.10 Maintaining records of activities that may lead to conflicts, for example: consultancies; membership of committees, boards of directors, advisory groups, or selection committees; and where they hold financial delegation or are in receipt of cash services or equipment from outside bodies.
- 4.11 Seeking input from the Research Office.
- 4.12 Providing education to the person about identifying conflict of interest.
- 4.13 Agreeing with the person triggers to escalate the situation for review of the management plan.