

Conflict of Interest Policy



<b>POLICY:</b>		<b>Conflict of Interest Policy</b>
<b>FIRST DRAFT:</b>		<b>July 11 2018; Second Draft November 12 2018 Third Draft May 13 2019 Fourth Draft June 6 2019</b>
<b>ADOPTED:</b>		<b>UR 2019#02</b>
<b>AMENDMENTS:</b>		
<b>REVIEW:</b>		<b>November 2022</b>

<b>Date of Policy</b>	<b>May 13 2019</b>
<b>Review Date</b>	<b>November 2022</b>
<b>Policy Owner</b>	<b>VPAA</b>
<b>HEI Approving Body</b>	<b>ET / UR</b>
<b>Contact Person</b>	<b>VPAA</b>

## **1.0 INTRODUCTION**

All policies, guidelines and protocols of Mary Immaculate College, will reflect the College's commitment to mitigating any issues of conflict of interest that may arise in dealings between academics, professional services and students in the business of the College.

1.1 Mary Immaculate College has developed this Conflict of Interest Policy for all students and staff. The purpose of this Policy is to provide guidance to students and staff of Mary Immaculate College towards the performance of their duties in an ethical and professional manner, and in compliance with the policies and procedures adopted by the College, as well as with relevant legislation.

Issues of conflict of interest arise when professional and academic relationships and practices can be deemed to be influenced by personal, familial, commercial, business or external factors, and any and all relationships that may provide unfair advantage, or disadvantage, to people involved.

1.2 The Conflict of interest policy takes account of the legal frameworks and law in Ireland.

1.3 Employees of the College are required to act in accordance with this policy, and to adhere to the requirements of College policies and procedures governing their conduct as employees.

## **2.0 PURPOSE & OBJECTIVES**

2.1 The purpose of the policy is to inform the conduct of all employees such that they will endeavour to maintain high standards in service delivery; observe appropriate behaviour; and also maintain the highest standards of probity in dealings with academic matters and interpersonal professional relationships.

2.2 The objectives of the policy are:

- to define the nature of what the College considers to be a conflict of interest;
- to set out areas where conflict of interest may occur;
- to set out procedures through which conflict of interest may be mitigated;
- to prevent the development of unfair practices;
- to outline a complaints procedure.

### **3.0 GENERAL PRINCIPLES**

- 3.1 Conflict of interest in terms of working practices in the College is defined as any situation where personal, familial, commercial, business, personal or sexual relationships interfere with professional relationships in a manner that has potential to give rise to behaviour, or a perception of behaviour, which is unfair to students or staff.
- 3.2 Employees have a duty to conduct themselves in accordance with the highest standards in the workplace and to ensure that collegial relationships are professional in tone and tenor, and that personal relationships are not allowed to cause advantage or disadvantage to transpire in a non-merit based manner.
- 3.3 The specific areas where conflicts of interest may occur that are covered by this policy include, but are not confined to:
- academic and assessment procedures;
  - professional relationships;
  - recruitment;
  - procurement;
  - selection of suppliers;
  - internal decision making;
  - allocation of resources;
  - intellectual property;<sup>1</sup>
  - ethical decisions.
- 3.4 Mary Immaculate College is committed to ensuring that the workplace is free from sexual harassment, harassment, victimisation and any form of bullying.
- 3.5 Mary Immaculate College is also committed to ensuring that all employees have the right to be treated with dignity and respect.
- 3.6 Mary Immaculate College is committed to ensuring that complaints by employees will be treated with fairness and sensitivity and in as confidential a manner as possible.
- 3.7 Mary Immaculate College is committed to ensuring that sexual harassment and harassment by faculty, staff, students and clients of the College, will not be tolerated and can lead to disciplinary action (in the case of employees or students) and other sanctions, for example the suspension of contracts or services, or exclusions from premises (in the case of non-employees).
- 3.8 Mary Immaculate College is committed to the disclosure of any conflict of interest at the beginning of any academic or professional gathering, meeting or process wherein such a conflict of interest may convey advantage or disadvantage on other individuals or processes connected with the College.

### **4.0 RECOMMENDED PROCEDURES**

- 4.1 Employees have a duty to conduct themselves in accordance with the highest standards of ethics.

---

<sup>1</sup> See the Intellectual Property Policy Statement PGP 115

4.2 Employees shall disclose to their Head of Department / Line Manager / Supervisor, all relevant interests (pecuniary, family, financial or other) which pose a real, or perceived potential for, conflict of interest or materially influence employees in the performance of their duties or damage public confidence in the ethical standards of the College. Any interests of an employee's family of which he/she could be expected to be reasonably aware or a person or body connected with the employee which involves a conflict of interest or which could materially influence the employee in the performance of his/her functions should also be disclosed as above. For this purpose, persons and bodies connected with an employee includes:

- a spouse, parent, brother, sister, child or step-child;
- a body corporate with which the employee is associated;
- a person acting as the trustee of any trust, the beneficiaries of which include the employee or the persons at (a) above or the body corporate at (b) above;
- a person acting as a partner of the employee or of any person or body who, by virtue of (a) — (c) above, is connected with the employee
- a person involved in a personal/romantic/sexual relationship with a co-worker, or with a student with whom they have an academic role;
- a person who has a familial, personal or financial interest in any business, company or body with which the college is engaged in a business relationship.

Employees will resolve such a conflict of interest in the best interests of the College by declaring their interest to their Head of Department / Line Manager / Supervisor. In circumstances where employees are unsure as to whether or not a conflict of interest exists, or is material, they should discuss the matter with their Head of Department / Line Manager / Supervisor who may consult with the Human Resources Manager on the matter.

4.3 Employees serving on College Boards and/or Committees must declare any personal interest in the business to be discussed, and if necessary and as required, withdraw from the consideration of such business (there is a separate Code of Conduct for Members of *An tÚdaras Rialaithe*).

4.4 Examination procedures involving creation, collection, collation and dissemination of exam papers should be carried out with due regard to maintaining the integrity and confidentiality of the process. If anyone involved in assessing the work of undergraduate or postgraduate students is involved in a familial or personal relationship with them, this relationship must be brought to the attention of the line manager and the person involved must be removed from any such assessment or examination processes.

4.5 Any staff member who is involved in grading or assessing tutorials, practical examinations, workshops or field trips, and who is involved in a familial or personal relationship with any student undertaking any of these assessments must inform their line manager and remove themselves from the assessment process.

4.6 Any staff member who has decision-making responsibilities for any purchase or procurement of a good or service by the College, and who stands to benefit personally from that contract must recuse themselves from that body.

4.7 Any member of staff involved in a recruitment process who has a familial, personal or sexual relationship with, or who has received representations on behalf of someone who is competing for the position must declare a conflict of interest during the process, be that shortlisting or interview panels, needs to declare the relationship, and abide by the opinion

of the chair, on advice of the HR Office, as to whether such a conflict of interest necessitates a change of panel member.

## **5.0 TREATMENT OF INFORMATION**

5.1 Employees shall act in compliance with the Freedom of Information Acts and the Data Protection Acts. In accordance with this, employees will observe the due confidentiality of sensitive information held by Mary Immaculate College. Information should not be divulged on any matter which could bring about advantage or disadvantage to students or faculty based on personal relationships. This would constitute material such as:

- personal information;
- information received in confidence by Mary Immaculate College;
- any commercially sensitive information or other information sensitive to the reputation of Mary Immaculate College.

## **6.0 INTERPERSONAL RELATIONSHIPS**

6.1 In an academic setting employees need to be mindful of relationships between academics and undergraduate and postgraduate students and need to be aware of the necessary professional boundaries that protect both parties. A conflict of interest occurs when members of staff engage in relationships with students where the asymmetry of power means that the student may not feel they are in a position to refuse such advances without negative impact on their studies and on their grades. Mary Immaculate College is committed, due to its duty of care to both staff and students, to make very clear what kind of behaviours constitutes sexual harassment, harassment, or bullying, and also to set out a series of steps whereby anyone who feel that they are subject to this, as is set out in our Dignity at Work Policy and Student Complaints Policy.

6.2 Incidences of conflict of interest by employees, students, customers and other business contacts can extend beyond the actual workplace to conferences and training activities that are related to the College and may extend to work-related social events

6.3 Relationships between academics and students that move beyond the professional to the personal, specifically romantic or sexual relationships, can have the potential to have an effect, or be perceived as having an effect, on due and proper professional conduct. Possible effects or perceptions of effect can include unfair advantage or even issues of harassment and bullying. This is unavoidable, given the natural asymmetry between the relative positions of these categories of individuals in the College. Academics who have control over grades, assessments and results, risk having a conflict of interest or being seen to have a conflict of interest because of the possibility that this power could be used to progress or inhibit in any interpersonal relationship with a student. Accordingly, such conflicts of interest should never arise. Any concern or doubt on the part of a member of College staff should be raised with his or her supervisor, Line Manager or Head of Department in order to clarify whether a conflict of interest has arisen, or has the potential to arise.

6.4 MIC defines harassment as unwanted conduct that has the purpose or effect of violating another person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for another individual.

**7.0 COMPLAINTS**

- 7.1 Anyone feeling that they have been treated unfairly by an employee in any transaction, be it academic, personal or business-related, due to a conflict of interest is entitled to make a complaint, under the student or staff complaints policies.
- 7.2 The complaint will be investigated by the College.

**DECLARATION OF POTENTIAL CONFLICT OF INTEREST**

Name of staff member: \_\_\_\_\_

Position: \_\_\_\_\_

Unit/Department: \_\_\_\_\_

Client name and address (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the nature of the personal interest.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I acknowledge the College policy on Conflict of Interest, and declare the above interests. I confirm that I have no other activities, responsibilities or ownership entitlements that might lead to a conflict of interest situation. (Additional pages may be attached if required)

Signature of Staff Member: \_\_\_\_\_

Signature of Head of Unit/Department

\_\_\_\_\_

Recommendation: \_\_\_\_\_

\_\_\_\_\_

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

Official Stamp:

Original of form to be retained on file and a copy forwarded to the Human Resources Office. In cases relating to research contracts, form to be also copied to the Office of the Vice-President, Academic Affairs.