

Policy on Conflicts of Interest in Research, Creation, and Innovation at Université Laval

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Université Laval members involved in research and innovation are increasingly being sought out for their expertise to contribute to social, cultural, and economic progress. In this context, their work often involves harnessing expertise, resources, and various stakeholders. These increasing collaborative efforts bring together diverse interests that can work in synergy, but may also be in conflict or competition with one another. As research and innovation becomes decompartmentalized, people may unintentionally find themselves involved in actual, potential, or perceived conflicts of interest.

Responsible conduct of research and innovation requires measures that preserve the objectivity, impartiality, and independence of the work performed by ensuring that activities undertaken within synergistic collaborations do not introduce biases in the approach or realization. This Policy is intended to prevent and mitigate this risk in situations where conflicts of interest are often difficult to identify. To do so, it establishes a mechanism to maintain the integrity of the work and ensure public trust. The policy dovetails with the *Policy for the Responsible Conduct of Research*, including its principles and default management mechanism

1. OBJECTIVE

- Identify personal connections that could lead to a conflict of interest
- Define a conflict of interest in research and innovation
- Provide a mechanism for disclosing conflicts of interest and, if they cannot be avoided, for resolving them in a responsible manner
- Help University members avoid conflicts of interest or resolve them in a transparent and impartial manner

2. DEFINITIONS

Personal connection

A personal connection refers to a relationship between a researcher and a relative, friend, associate, or other individual or entity¹ that puts the researcher at an advantage or disadvantage that could lead to a conflict of interest.

Conflict of interest

A conflict of interest in research exists when a researcher's personal connection (including relatives, friends, or associates²) introduces an actual, potential, or perceived risk that could affect the researcher's independence, objectivity, or impartiality towards organizations and funding partners or in the decisions they make while undertaking their University duties.

Conflicts of interest may involve an individual or an institution. They may be of a personal, professional, material, or financial nature. Family, political, religious, and ideological interests may also pose a threat to independence, objectivity, and impartiality.

Conflicts of interest can occur at any time and at any stage of a research or innovation process (e.g., adding a new partner) or following a change in a person's personal life (e.g., marriage, inheritance, financial transaction, creation of a company, etc.).

1. Examples: companies, associations, organizations, etc.

2. Relative, friend, or associate: immediate relative or individual with whom a researcher has a personal relationship or with whom he or she directly or indirectly shares a professional, material, or financial interest.

The types of conflicts of interest that may arise in university research are:

- Perceived conflict of interest

A perceived conflict of interest exists when a third party may reasonably perceive that a researcher has a personal, professional, material, or financial interest, without it being proven.

- Potential conflict of interest

A potential conflict of interest exists if a researcher's personal, professional, material, or financial interest could at some point influence their decision making, at the expense of their professional obligations and duties, if they are called upon to exercise judgment in a specific situation.

- Actual conflict of interest

An actual conflict of interest exists when a researcher's personal, professional, material, or financial interest conflicts with obligations related to their status or position at the University and requires measures to prevent such interests from interfering with the independent, objective, and impartial exercise of the researcher's duties.

Researchers are often pressured by time constraints, competitiveness, beliefs and values, preferences for certain scientific or practical methods, and the desire for success and recognition. Such pressures can lead to specific types of conflicts of interest, such as:

- Loyalty conflict

Loyalty conflicts exist when a researcher engages in paid or unpaid external professional activities related to research or innovation that prevent them from properly fulfilling their university teaching, research, or creative duties.

- Commitment conflict

Commitment conflicts exist when personal responsibilities conflict with academic activities, for example if a researcher uses University personnel, services, or material or financial resources for personal projects without official permission³.

- Role conflict

Role conflicts exist when researchers, in their dealings with third parties, take on roles with conflicting objectives that could negatively impact those parties (e.g., acting as a researcher with a third party while also filling the role of case worker, clinician, manager, or advisor).

- Institutional conflict

An institutional conflict of interest is "a conflict between at least two substantial institutional obligations that cannot be adequately fulfilled without compromising one or both obligations⁴.

Researchers

This term includes all members of the University engaged in research and creative activities, on campus or in a research centre at an affiliated institution, as well as all faculties, departments, units, or other structured research entities.

3. Statements 8 to 11 of the *Politique relative au transfert de connaissances et de technologies* (Knowledge and technology policy), Office of the Vice Rector of Research, Université Laval (1995).

4. Government of Canada (2014), *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS2), p.94.

Research and innovation

All activities related to the advancement of scientific and academic knowledge, training in a research and innovation context, and the development, mobilization, and use of knowledge⁵.

3. INTERPRETIVE PROVISION

This Policy does not limit or restrict the meaning and scope of the rights and obligations respecting the responsible conduct of research set out in other regulations, policies, collective agreements, agreements, or other texts in force at Université Laval. Nor does it limit the property rights, management rights, and other rights of the University and its members.

4. SCOPE OF APPLICATION

This Policy applies to all researchers.

5. STATEMENT OF PRINCIPLE

The University has a responsibility to ensure that the use of its material, financial, and human resources is free of any situation where undeclared and unresolved interests interfere with the objective and impartial governance of university activities. To this end, Université Laval has adopted various standards to protect itself against such risks. This Policy is directly in line with this preventive approach. It specifically targets research and innovation activities, and is consistent with other existing standards.

6. RESPONSIBILITY

6.1 Researchers

- Declare their personal connections and evaluate, with their sectoral committee or its equivalent⁶, whether these connections may lead to a conflict of interest that could affect the researcher's independence, objectivity, or impartiality when making decisions as part of their duties at Université Laval
- Together with the sectoral Committee, transparently and impartially resolve the actual, potential, or perceived conflict of interest, providing all the relevant information required to do so
- Apply the measures identified to resolve the conflict of interest, if any, and inform those who need to be informed in order to implement them

5. Research and innovation activities are based on a “peer-recognized (or in the process of becoming so) methodological approach specific to the discipline in question”: Fonds de recherche du Québec (2014), op.cit. p. 11. These activities generally involve defining a research question, formulating a problem, creating a research or creative protocol or process, and publishing the results. They also include other aspects such as applying for funding from funding agencies, building partnerships, participating in evaluation processes, and supervising research staff. Fonds de recherche du Québec (2014), op.cit. p. 11.

6. Where the situation refers to activities taking place within a structured research entity with an equivalent committee, including an affiliated institution, researchers may deal with the equivalent committee as long as it abides by the rules of this Policy. The existence and operating procedures of the equivalent committee must be known to the members of the entity in question, but also to the Office of the Vice Rector of Research, Creation, and Innovation, with which files concerning Université Laval members must be systematically followed up on. Otherwise, University Laval members who are part of the structured research entity must deal with the sectoral committee described in this Policy.

6.2 Sectoral advisory committees in support of conflict of interest resolution (sectoral committee)

Three sectoral committees have been set up:

- Health sector
- Natural sciences and engineering sector
- Social sciences and humanities sector

Each committee is composed of three people appointed for a three-year term by the Université Laval Executive Committee on the recommendation of the Vice Rector of Research, Creation, and Innovation. Their front-line role includes the following duties:

- Help identify conflicts of interest and reach agreement with the declarant on the resolution measures to be applied
- Forward declarations and resolution measures to the Vice Rector of Research, Creation, and Innovation for approval
- Participate in institutional consultation activities

6.3 Institutional advisory committee supporting conflict of interest resolution (institutional committee)

This committee is formed from a list that the Vice Rector of Research, Creation, and Innovation submits to the Université Laval Executive Committee each year. The list comprises the names of twelve (12) individuals recognized for their integrity and good judgment and who may, in turn, be called upon to form a conflict of interest advisory committee. Nine (9) of these individuals are from the university community and three (3) are from outside the university. Their responsibilities are to:

- Provide advice on cases submitted to them by the Vice Rector of Research, Creation, and Innovation
- Give their opinion on matters entrusted to them
- Make recommendations to the Vice Rector of Research, Creation, and Innovation based on experience and rules of best practices published by external organizations

6.4 Vice Rector of Research, Creation, and Innovation

- Put in place and update as needed tools enabling researchers to declare personal connections that could lead to a conflict of interest
- Ensure a confidential, objective, and impartial mechanism for resolving conflicts of interest in research and innovation
- Ensure that sectoral committee members meet on a regular basis to standardize practices

7. DISCLOSURE AND RESOLUTION MECHANISM

General Provisions

- The existence of a conflict of interest does not necessarily prevent someone from being involved in a situation, as long as the conflict is declared and resolved according to the mechanism described below.
- Since interests may arise or change as a project evolves and work progresses, declarations must be produced using the same mechanism each time a change occurs that may generate a new conflict of interest. This step should be repeated as often as necessary until the project is complete.

- It is not the conflict of interest itself that constitutes a breach of responsible conduct, but rather the following behaviours that may be the subject of allegation: not disclosing or resolving an actual, potential, or perceived conflict of interest or not applying the resolution measures agreed upon with the committee.
- In the event of such a situation, an allegation of breach of responsible conduct must be addressed to the person in charge of responsible conduct in research and innovation. If the situation merits, the Vice Rector of Human Resources will take applicable disciplinary or administrative measures for breaches of this policy, in accordance with collective agreements, agreements, or other instruments in force establishing the working conditions of University staff.

Step 1: Declaration of a personal connection

Once researchers have identified a personal connection, they will discuss their situation with a member of their sectoral committee⁷, or equivalent⁸, to assess whether the relationship could lead to an actual, potential, or perceived conflict of interest⁹.

- If the joint assessment concludes there is no risk of a conflict of interest, no further action is required and the sectoral committee member will confirm the conclusion in writing.
- If the situation does involve a risk of conflict of interest, the researcher must fill out a conflict of interest declaration form (Appendix 3) and follow the steps described below.

Step 2: Declaration of a conflict of interest

The researcher discloses all facts relevant to the situation involving an at-risk personal connection by submitting the “Declaration of an Actual, Potential, or Perceived Conflict of Interest” form (Appendix 3) to the sectoral committee.

Step 3: Identification of conflict of interest resolution measures

The sectoral committee promptly reviews the declaration to ensure that measures are taken as quickly as possible to avoid or resolve the conflict of interest. This involves discussing the measures to be taken in order to defuse the risk of bias with the researcher.

Examples of possible measures to avoid or resolve conflicts of interest include:

- Modifying the research or innovation project, or the terms of a contract or agreement
- Withdrawing from managing a research or innovation project, or from a position that could influence the direction of the research or innovation
- Establish a process for independent oversight of the situation
- ~~In certain cases, compel~~ the researcher or the researcher’s relatives and friends to divest themselves of investments in a company or to put them in trust
- If everyone agrees on the measures to be taken:
 - They are recorded where indicated on the “Notice and measures to be taken to avoid or resolve a conflict of interest” form (Appendix 4).
 - The declaration and notification forms are then forwarded to the Vice Rector of Research, Creation, and Innovation for approval.
- When there is disagreement on the measures to be taken:

7. Contact information for sectoral committee members is available on the website of the Office of the Vice Rector of Research, Creation, and Innovation.

8. See note 5.

9. Appendix 1 provides a list of criteria for assessing a potential conflict of interest. A non-exhaustive list of examples of personal connections is also provided in Appendix 2. The list is divided into three categories of useful examples: (1) situations where personal connections may lead to conflicts of interest, (2) situations that present a conflict of interest, and (3) situations where there is no conflict of interest.

- The file is entrusted to the Vice Rector of Research, Creation, and Innovation, who takes the necessary steps to resolve the situation.

Step 4: Decision-making

The Vice Rector of Research, Creation, and Innovation makes the decision and notifies the declarant as soon as possible. The Vice Rector may appoint one or more members of the institutional committee to guide his or her decision.

Special Provisions

- Please refer to the “Directive on Financial Conflicts of Interest in Public Health Service Funded Research at Université Laval” which supplements this Policy, in order to meet US federal government regulatory reporting requirements for significant financial interests and significant financial conflicts of interest in research. It thus defines the obligations that researchers funded by the “US Public Health Service” (PHS) or the “US Department of Health and Human Services” (DHHS) must follow, in addition to those of this Policy. Furthermore, the Directive implements and defines Université Laval's processes to comply with US regulations 42 CFR Part 50 and 45 CFR Part 94 aimed at ensuring that research administered by Université Laval, and whose funding comes from an organization under the aegis of the PHS or DHHS is free from bias resulting from financial conflicts of interest.

8. CONFIDENTIALITY

All requests for advice under this Policy are treated as confidential.

The Vice Rector of Research, Creation, and Innovation will maintain a confidential file containing all actual, potential, and perceived conflict of interest declarations for the purpose of reporting to the Board of Directors and to funding agencies that require it¹⁰. In addition, confidentiality will only be waived for individuals and only to the extent necessary to implement the conflict of interest management plan.

In accordance with the provisions of the *Act respecting access to documents held by public bodies and the protection of personal information* (R.S.Q., c. A-2.1), information about the conduct or conclusions of a conflict of interest inquiry cannot be made public except to the extent permitted by law or if the individual involved consents to its disclosure.

9. GENERAL PROVISIONS

- This Policy takes effect upon adoption by the University’s Board of Directors.
- This Policy repeals and replaces the *Politique relative à l’intégrité scientifique* (scientific integrity policy, 1995) and (1995) and the *Politique sur l’intégrité en recherche et création et sur les conflits d’intérêts* (policy on integrity in research and innovation and conflicts of interest, 2009).
- This Policy is the responsibility of the Office of the Vice Rector of Research, Creation, and Innovation, who oversees its implementation and dissemination.

10. Including the US Public Health Service (PHS) and the US Department of Health and Human Services: 42 CFR Part 50 Subpart F. Refer to the Directive on Financial Conflicts of Interest in Public Health Service Funded Research at Université Laval

APPENDIX 1: TOOL FOR EVALUATING PERSONAL CONNECTIONS

This tool is intended to help evaluate the risk that a personal connection will lead to a conflict of interest during a research and innovation project.

Useful questions to evaluate the risk that a personal connection will lead to a conflict of interest¹¹

Does your personal connection with... have any advantages/disadvantages that could influence your professional decisions (e.g., in the context of this research project)? Are these advantages/disadvantages:

- Perceived (e.g. in the view of a third party such as a member of the public or a competitor)?
- Potential (without your knowledge or only if a specific situation occurs)?
- Inevitable (interests will clearly conflict)?

Intensity

- Are your relations or connections with this object (investment, product, etc.) or person (natural or legal) frequent?
- How long have you had a relationship or connection with this object or person? Is it permanent or temporary?
- Are the benefits derived from this connection important to you?

Expected impact

Could this personal connection affect or appear to affect your judgment:

- At a particular stage or more than one stage of the work(e.g., direction, analysis, knowledge mobilization, addition of a partner, etc.)?
- For one or more specific duties (e.g., purchasing, hiring, scientific evaluation, etc.)?
- Could this connection benefit the project beyond the personal benefits to myself? If so, in what context (e.g., expert opinion)?

11. Tool based on the French National Authority for Health's (HAS) [Guide to declarations of interest and conflict management\(2013\)](#), p.11 and 12.

APPENDIX 2: EXAMPLES OF CONFLICTS OF INTEREST

Here is a non-exhaustive list of sample situations involving personal connections. This list is divided into three categories of useful examples: situations where personal connections may lead to conflicts of interest, situations that present a conflict of interest, and situations where there is no conflict of interest.

Examples of conflicts of interest in research and innovation

1. Situations where personal connections may lead to conflicts of interest:

- Hiring a relative or determining or supervising the terms of their employment
- Evaluating a colleague's grant applications, manuscripts, or other documents¹²
- Working on projects to characterize a colleague's products
- Participating in the funding, grant, or award process of a colleague
- Reviewing a colleague's publications, scientific or technical contributions, products, or work
- Receiving gifts from outside sources, whether in cash, goods, or services while employed at the University

2. Situations that present a conflict of interest:

Anyone involved in research may have an actual, potential, or perceived conflict of interest if they find themselves in any of the situations listed below or in any similar situation:

- a. They carry out external professional activities related to research and innovation that may actually, potentially, or be perceived to affect their good judgment or the ethical conduct of duties and responsibilities in research and innovation at the University.
- b. They own a business that provides consulting services, carries out research or innovation contracts, or manufactures or markets goods or services that interfere with their University obligations or that hamper academic research or innovation.
- c. They hire relatives or friends whose salaries are paid using research or innovation funds, or supervise their terms of employment.
- d. They use their position or status to indirectly influence the decision to purchase goods or supplies from a business in which a relative, friend, or associate has a direct financial interest.
- e. They direct a student's research or innovation project, or supervise a postdoctoral fellow in a field related to their own business.
- f. They use university resources (personnel and services, premises, equipment, materials) for purposes other than those related to their university functions.
- g. They use confidential information (e.g., as a member of a committee) or research results they have access to in the course of their duties at the University for personal purposes, for external activities, or for a spin-off company.
- h. They use Université Laval's name or their academic status in personal agreements or contracts with third parties in a manner that may give the impression that the agreement or contract is with the University, or that the University endorses it or is involved in any way.
- i. They use the University's name or their academic status to promote a product, process, or technology or to influence a decision for personal gain.

12. In this appendix, the term colleague refers to a person with whom the researcher has collaborated closely, published work, or shared funding over the past six years or plans to in the coming year (based on: http://www.chairs-Chairs.gc.ca/program/program/conflict_interest-conflict_interets-eng.aspx).

- j. They, their company or, to their knowledge, a relative or friend benefits or is likely to benefit from a financial advantage provided by a third party or external company whose activities are related to their obligations as a researcher.
- k. They, their company or, to their knowledge, a relative or friend is or will be in a position to influence or play a role in a relationship between the University and a third party to whom they or their company anticipate providing professional services or negotiating other business.
- l. They or, to their knowledge, a relative or friend, holds or will hold a management position or membership on a board of directors or executive committee of an external company or organization whose activities are related to their research or innovation activities.
- m. They help evaluate funding proposals or contracts submitted by companies for which they acts as a consultant
- n. They accept gifts, travel, or services for personal use from individuals or companies that do business with the University
- o. Under the guise of research or creation, and in some cases by violating the laws of foreign countries, they acquire cultural property, animals, or plants for personal gain, to enrich a private collection, or to sell

3. Situations where there is no conflict of interest

(Excerpt from the *Policy on Responsible Research* of the Quebec Heart and Lung Institute affiliated with Université Laval, 2015).

- Holding publicly traded securities, if the share held by the researcher or one of their relatives represents less than 5% of the voting rights attached to the securities issued by the company in question
- Holding interests through a mutual fund that the researcher is not directly or indirectly involved in managing

APPENDIX 3: DECLARATION OF AN ACTUAL, POTENTIAL, OR PERCEIVED CONFLICT OF INTEREST

Before completing this Declaration, please read Université Laval’s *Politique sur la conduite responsable en recherche, en création et en innovation de l’Université de Laval* (policy for responsible conduct in research, creation, and innovation) and pay special attention to section eight (8).

Declarant: _____
Job title: _____
Faculty or service: _____
Exact project title: _____
SIRUL project number: _____
Date of declaration: _____

I, the undersigned, declare the following:

I believe I am in an actual, potential, or perceived conflict of interest for the following reasons:

(Add additional pages, if necessary)

If the facts described relate to any of the items identified in the box below, list all relevant information.

Information to provide includes, but is not limited to:

- The researcher, his/her company or, to their knowledge, a relative benefits or is likely to benefit from a financial advantage from a third party or external company whose activities are related to his/her obligations as a researcher at the University.
- The researcher, his/her company or, to their knowledge, a relative is or will be in a position to influence or play a role in a relationship between the University and a third party for whom the researcher and his/her company anticipates providing professional services or negotiating other business
- The researcher, his/her company or, to their knowledge, a relative, holds or will hold a management position or membership on a board of directors or executive committee of an external company or organization whose activities are related to their his/her research activities

- The names of the third parties involved and the declarant’s relationship to them
- Details of relevant financial benefits (e.g., ownership, shares, fees, financial compensation, etc.).
- The names of the declarant’s relatives or friends, their relationship to the declarant, and the general nature of their involvement
- The names of Université Laval students, staff members, or any other person employed by the university and the nature of their involvement

- The nature of the declarant’s activities in providing professional advice or services (including sitting on a board of directors, executive board, or otherwise) and the remuneration for such activities
- Full details of the planned or anticipated use of the University’s resources

The *Act respecting access to documents held by public bodies and the protection of personal information*, R.R.S.Q., chapter A-2.1, contains restrictions concerning the collection of personal information. If, in order to complete your Declaration, you need to provide details about the interests of one of the declarant’s relatives or friends, such information must come directly from that person and must be attached to the Declaration.

A declaration from one of the declarant’s relatives or friends must include the following statement:

“As a relative or friend of _____(declarant’s name), I am submitting the information contained in this document in order to provide details of my financial interests and benefits that may lead to an actual, potential, or perceived conflict of interest for _____ (declarant’s name), as a researcher, research collaborator, or supervisor with respect to his or her obligations to Université Laval.

I understand that this information is being collected in accordance with the Act respecting Access to documents held by public bodies and the protection of personal information, R.S.Q., chapter A-2.1. I consent to its use by Université Laval for the purpose of determining whether _____(declarant’s name) is in an actual, potential, or perceived conflict of interest.

If, subsequent to this statement, circumstances change and require different responses, I undertake to submit a revised statement.”

Relative’s or

Year, month, day

I have read Université Laval’s *Policy on Conflicts of Interest in Research, Creation, and Innovation*. I understand that the information provided in this “Declaration of an Actual, Potential, or Perceived Conflict of Interest” is required for the purposes of this Policy and that the personal information it contains is protected under the *Act respecting access to documents held by public bodies and the protection of personal information*. I consent to its use solely for the purpose of determining whether or not a conflict of interest exists.

In addition, in the event that the release of certain information is deemed appropriate to resolve a declared conflict, I understand that I will be consulted and given the opportunity to give informed consent.

Declarant’s signature

Year, month, day

APPENDIX 4: NOTICE AND MEASURES TO BE TAKEN TO AVOID OR RESOLVE THE CONFLICT OF INTEREST

I hereby seek the advice of _____ about the facts described in this *Declaration of an actual, potential, or perceived conflict of interest*.

Declarant's signature

Year, month, day

NOTICE regarding the type of conflict of interest

I, the undersigned, have read this *Declaration of actual, potential, or perceived conflict of interest*.

In my view, the facts described do not constitute a conflict of interest.

Signature of sectoral committee member or other committee recognized by this Policy

Year, month, day

Signature of a third party that is not part of the research team

Year, month, day

In my view, the facts described constitute:

- an actual conflict of interest
- a potential conflict of interest
- a perceived conflict of interest

MEASURES to avoid or resolve the conflict:

sector committee member or other recognized committee

Signature of
Year, month, day in this Policy

Declarant's STATEMENT

I, the undersigned, signatory to this Declaration of an Actual, Potential, or Perceived Conflict of Interest,

- Agree to the measures described above and agree to respect and disclose them to my research team.
- Disagree with the measures described above.

Declarant's signature

Year, month, day

Signature of a third party that is not part of the research team

Year, month, day

c.c.: Declarant, Vice Rector of Research, Creation, and Innovation