



Conflicts of Interest in Connection with Graduate Supervision

ALF 2017-18

5 October 2017



McGill

What is a Conflict of Interest?

s. 1.2 *Regulation on Conflict of Interest*

1.2 “Conflict of Interest” means any situation in which:

(i) a Member or a Related Party **has** a personal interest, whether direct or indirect, of which the Member is, or should be, aware, and that in the opinion of a reasonably informed and well advised Person is sufficient to put into question either the independence, impartiality, and objectiveness that the Member is obliged to exercise in the performance of his or her duties or the ability of the Member to act in the best interests of the University (actual Conflict of Interest);

or

(ii) a Member or a Related Party **appears**, in the opinion of a reasonably informed and well advised Person, to have a personal interest, whether direct or indirect, that is sufficient to put into question the independence, impartiality, and objectiveness that the Member is obliged to exercise in the performance of his or her duties or the ability of the Member to act in the best interests of the University (apparent Conflict of Interest);

Examples of Conflicts Implicating Students

- Employing students in private contexts or entering contracts with students (e.g., becoming a student's landlord)
- Private/intimate relationships with students
- Co-supervision of a student with a colleague with whom one is also in a close interpersonal relationship (e.g., spouses as co-supervisors)
- Decision-making that puts the supervisor's personal or financial interests ahead of the student's (e.g., delay of student's publication or deposit of a thesis so that the supervisor is the first to publish data primarily developed by the student)

See *Recognizing Conflicts*:
https://www.mcgill.ca/secretariat/files/secretariat/recognizing-conflicts-jan_2015.pdf

External Award Holders must complete this box and email a copy of the entire progress report to GPS Funding, copying their supervisor to the email.

Tri-Council Agency: NSERC ☐ SSHRC ☐ CIHR ☐ Start date of award: May 1 ☐ Sept 1 ☐ Jan 1 ☐

A) Award holders who are registered full-time must limit the number of hours of employment to 450 hours over a 12-month award period.

☐ I did not work any additional hours to my full-time research.

☐ I worked _____ hours during my award year. Nature of paid work: _____

B) Award holders are responsible for reporting any changes in program when they occur because it may affect ongoing eligibility (i.e., leaves of absence, change in supervisor or research, change in registration, etc.).

☐ There were no changes to my student status in the past year

☐ There were changes to my student status in the past year: _____

SIGNATURES (PLEASE PRINT NAMES):	<i>I agree with the statements and evaluation in this Report.</i>	<i>Has a conflict of interest arisen in respect of any of the parties signing?*** (See examples)</i>	DATE
* Mandatory. Must be present to sign together.			
_____ * STUDENT'S NAME	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____ STUDENT'S SIGNATURE
_____ * SUPERVISOR'S NAME	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____ SUPERVISOR'S SIGNATURE
_____ * CO-SUPERVISOR'S NAME (if applicable)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____ CO-SUPERVISOR'S SIGNATURE (if applicable)
_____ * COMMITTEE MEMBER'S NAME	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____ COMMITTEE MEMBER'S SIGNATURE
_____ OTHER MEMBER'S NAME (Role: _____)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____ OTHER MEMBER'S SIGNATURE
_____ OTHER MEMBER'S NAME (Role: _____)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____ OTHER MEMBER'S SIGNATURE
_____ OTHER MEMBER'S NAME (Role: _____)	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____ OTHER MEMBER'S SIGNATURE

Anyone listed above who does not agree with the statements and evaluation in this Report must attach an explanation.

If any document has been attached to this report, please check here: ☐

In case of disagreement, the student or supervisor should consult the Unit's Graduate Program Director or a GPS Associate Dean.

GPD approval is required on all Progress Tracking Reports; attendance at meeting is not. If the GPD is the supervisor, the Chair must sign here.

GPD (Chair) Name: _____ Signature: _____

Regulation on Conflict of Interest - **If anyone checks YES, the form must be submitted to the Dean of GPS with an explanation. If there is any doubt, contact the appropriate GPS Associate Dean.

"Conflicts of interest may take various forms and may arise in various contexts. A potential conflict of interest will exist whenever a member of the University community is in a position to influence the conduct of research, academic, human resource, business, financial, governance or other matters in ways that could lead to personal gain for the member or a related party, or give improper advantage to others, to the detriment of the University or other members of the University community."

"The Regulation recognizes that the existence of a potential conflict situation does not necessarily connote misconduct or preclude the involvement of a member in the situation in which the conflict has arisen – provided the conflict is recognized, disclosed, assessed and addressed. However, it must be recognized that not all conflicts of interest, even if disclosed in a timely manner, will be permitted."

Case Study – Part 1

Professor Nelligan leads a successful, productive research team that includes six graduate students and two postdoctoral fellows, all of whom are funded through Professor Nelligan's Tri-Council funding. Last year, Professor Nelligan and 2 of her PhD students Alex and Bodhi, declared an invention that was later licensed to a start up company of which Professor Nelligan is the main shareholder

Nellico's ownership is distributed as follows:

- Professor Nelligan 40%
- Private investor: 50%
- Alex: 5%
- Bodhi: 5%.

Nellico's Unanimous Shareholders' Agreement requires all shareholders to maintain the confidentiality of business activities during and after their relationship with Nellico. It further states that shareholders' contributions to Nellico's business activities constitute work product that Nellico owns.

Professor Nelligan has filled out the annual [Conflict of Interest Disclosure Long Form B](#) wherein she has indicated all the foregoing facts. What questions do you need to ask, or what steps must you take, before determining whether to sign off on Professor Nelligan's disclosure report?

Case Study – Part 2

Alex and Bodhi ask to speak with the Chair or the GPD for their unit. They are deeply concerned about how their involvement with Nellico might preclude their ability to publish their research as part of their thesis or post-graduation. They attempted to raise this question with Prof. Nelligan, but she brushed them off stating, “it wouldn’t be an issue”. She further assured them that her support, and their partial ownership of Nellico, “ensured they had a set future.”

Alex and Bodhi further signal that other members of the Nelligan research team at McGill are uneasy about the fact that their activities seem to be oriented uniquely toward ensuring the success of Nellico. None of the students or trainees is sure whether this presents a problem in the context of McGill policy.

Case Study – Part 3

In the course of discussions with Alex and Bodhi it emerges that part of their doctoral funding in 2016-2017 came from Nellico through a sponsored research agreement pursuant to which Nellico has an option to exclusively license all IP that arises out of the research agreement. In addition, professor Nelligan is the chief scientific officer of Nellico and “consults” for Nellico.

Alex and Bodhi are concerned that work in the lab is becoming more and more oriented towards the scientific interests of Nellico. The company is experiencing financial difficulties and has recently reduced its R&D spending. Concurrently, Nellico offered Bohdi a job, testing improvements to the IP originally licensed to Nellico. He was invited to sign an IP Agreement according to which everything he does as an employee is owned by Nellico. He is concerned there is very little distinction between what he works on as a PhD student, and what he does as an employee of Nellico. Professor Nelligan told him that because funding in the lab is diminishing, accepting this job would be in his best interest.

Alex and Bodhi would like to know what their options are in the face of this situation.

Resources

- Dean of Graduate and Postdoctoral Studies:
josephine.nalbantoglu@mcgill.ca
- Associate Provost (Equity & Academic Policies):
angela.campbell@mcgill.ca
- Director, Legal Services:
line.thibault@mcgill.ca