



Vice to Virtue: Dealing Effectively with COIs

**Prof. Angela Campbell
Associate Provost
(Equity & Academic Policies)**



McGill

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To Start...

Conflicts of Interest are not a vice or a moral failing...

It's in our shared interest to:

- recognize
- disclose
- manage

Any COI

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);

What is a Conflict of Interest?

Key Question:

Would a reasonable observer perceive the staff member as having a personal interest or relationship that stands to compromise the staff member's professional judgment in relation to: (1) conducting or publishing research, (2) supervising students or trainees, or (3) any other aspect of their academic duties?

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 (**NOTE** : prohibition in [Policy against Sexual Violence](#) on intimate relationships between professors and students under their direct authority/influence)
- 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.

Examples of Conflicts Implicating Research

- Using McGill resources (e.g., space, personnel, consumables) to conduct research that could benefit an outside (non-McGill) party in which the PI has a real or potential interest
- Accepting a material benefit from an outside (non-McGill) party to conduct research at McGill.
- Conducting research at McGill that stands to benefit an outside entity in which the PI, or a related party of the PI, has a real or potential financial interest.
- Receiving a substantial benefit (\$5000 + or > 5% equity) for services from an outside party/entity whose interests may appear to influence the PI's academic duties at McGill.

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."

Ensuring student interests are protected in COI contexts:

Annual Graduate Tracking

Tracking form



Managing Conflicts

s. 3.1 *Regulation on Conflict of Interest*

A Member, immediately upon becoming aware of a Conflict of Interest, **shall make written disclosure** of the facts material to the Conflict of Interest on a form approved by the Provost to:

- (i) his or her **Reporting Officer** in accordance with these provisions; and
- (ii) in the case of a Conflict of Interest situation arising in the context of research involving human subjects, to the Research Ethics Board in accordance with the University policies governing the ethical conduct of human subject research as exist from time to time.

See s. 3.3ff *re: how the Reporting Officer must assess and decide whether a conflict exists and may be permitted.*

Responsibilities of Academic Leaders

s.5.1 *Regulation on Conflict of Interest*

It is the responsibility of a Reporting Officer:

- (i) to ensure that those who report to them are aware of the provisions of this Regulation;
- (ii) to implement this Regulation by promptly initiating remedial or disciplinary action as appropriate on becoming aware of an undisclosed Conflict of Interest affecting a Member.

Consequence of Failure to Disclose and Manage a COI

s. 9.1 *Regulation on Conflict of Interest*

The failure of a Member who knows, or who should reasonably know, that he or she is in a Conflict of Interest, to comply with the provisions of this Regulation may constitute a disciplinary offence under the regulations, policies, code or collective agreement to which the Member is subject.

Case Study – Spinoffs from Lab-Based Research

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 of the facts set out above.

What are the issues here? If Prof. Nelligan completes a COI Report, what information is necessary to disclose?

Case Studies – Clinical Settings

Dr. Elly is a second-year resident. During her first year of residency training, she had a strained relationship with one of her supervising clinicians, Dr. Bellair. While working together, Dr. Bellair told Dr. Elly twice that she would have to “up her game” if she hoped of succeeding as a specialist. Dr. Bellair twice reprimanded Dr. Elly in a patient’s presence. Dr. Elly never fully understood the Dr. Bellair seemed to take with her approach to patient care. Although Dr. Bellair assessed her poorly, Dr. Elly did not believe she’d been given concrete examples to back up the criticism she received. Dr. Elly chalked things up to interpersonal tensions, and was relieved when she no longer had to work under Dr. Bellair’s supervision.

Earlier this month, Dr. Elly began working with Dr. Jones. From the outset, Dr. Elly felt that Dr. Jones was aloof and hardly engaged with her. This was in contrast to Dr. Jones’ approach to other residents and students, toward whom Dr. Elly noticed Dr. Jones provided extensive feedback and praise.

In conversation with other residents yesterday, Dr. Elly learned that Dr. Jones and Dr. Bellair are spouses. Dr. Elly is concerned that Dr. Jones’ attitude toward her has been tainted by Dr. Bellair. Dr. Elly makes an appointment to see the Department Chief to report the matter.

What are the issues? How should the Chief respond?