



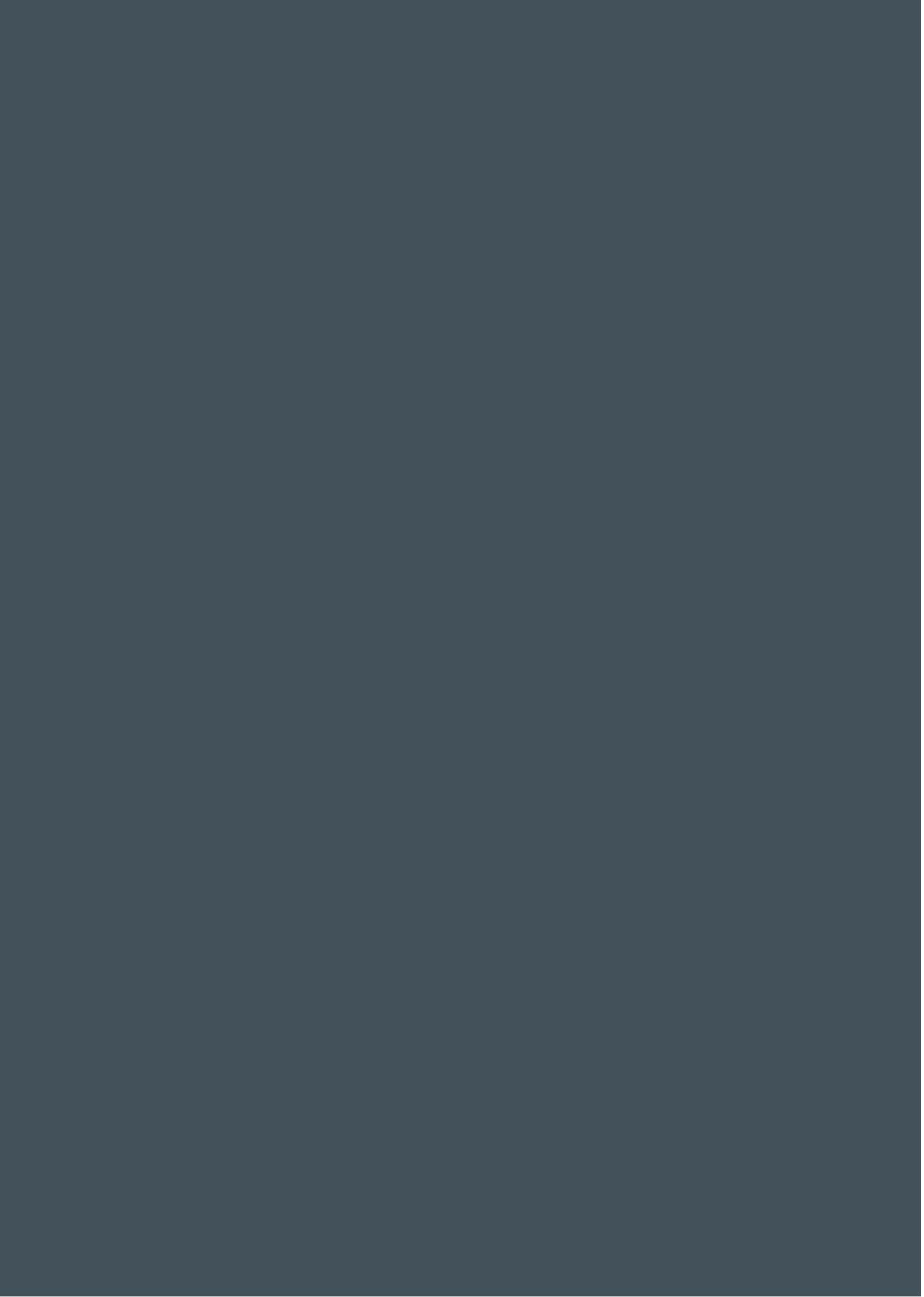
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Institiúid Teicneolaíochta Leitir Ceanáin
Letterkenny Institute of Technology

Conflicts of Interest Policy

November 2019





CONTENTS

1. Purpose.....	5
2. Scope.....	5
3. Conflict of Interest	5
3.1 Financial Conflicts	6
3.2 Non-Financial Conflicts	6
4. Conflict of Interest & Research Practice.....	6
5. Procedure for Reporting Conflicts of Interest.....	6
5.1 Staff.....	6
5.2 Students.....	7
5.3 Governing Body Members.....	7
6. Managing Conflicts of Interest	7
7. Reporting of Conflicts.....	8
8. Role of the President	8
9. Non-Disclosure of Conflict.....	8
10. Confidentiality and Freedom of Information	8
11. Legislation Invoked in this Policy.....	8
12. Review of Policy	9
APPENDIX 1: DEFINITIONS.....	10
APPENDIX 2: CONFLICTS OF INTEREST NOTIFICATION FORM	11
APPENDIX 3: TYPES OF CONFLICTS.....	13
APPENDIX 4: CONFLICTS OF INTEREST REGISTER.....	14

Revision History

Date of this revision: NEW POLICY	Date of next review: November 2020
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Revision Number	Revision Date	Summary of Changes	Changes marked

Document Location

Website – Policies and Procedures	<input checked="" type="checkbox"/>
Website – Staff Hub	<input checked="" type="checkbox"/>
Website – Student Hub	<input checked="" type="checkbox"/>
Other: - Internal Use Only	<input type="checkbox"/>

Approval

This document requires the following approvals:

Name	Title	
Head of Research and Innovation VP for Finance and Corporate Services	Executive Board	23 September 2019
Head of Research and Innovation VP for Finance and Corporate Services	Audit and Risk Committee	7 November 2019
Head of Research and Innovation VP for Finance and Corporate Services	Governing Body	7 November 2019

This document was reviewed by the Audit and Risk Committee on 7 November 2019 and shall be reviewed and, as necessary, amended by the Institute annually. All amendments shall be recorded on the revision history section above.

1. Purpose

Letterkenny Institute of Technology (LYIT) is committed to achieving and maintaining the highest standards of integrity and conduct in teaching, research and all other activities that we engage in. We strive to avoid any actual, perceived or potential conflicts between the interests of the Institute and any personal interests of LYIT's staff and students.

This policy sets out the procedures to be followed by LYIT in respect to actual, perceived or potential conflicts of interest. The Institute encourages staff and students to engage in external activities, many of which are also of benefit to the Institute. On occasion activities may give rise to conflicts of interest.

This policy seeks to manage these conflicts of interest in a manner that is fair to all.

Staff and students must disclose to the Institute the activities that may give rise to conflicts. In most cases the notification of Conflict of Interest may be all that is necessary to fulfil the obligation required under the policy, depending on the circumstances. However, there may be occasions where intervention by LYIT will be required to manage that Conflict of Interest.

The purpose of this policy is to set out examples which may give rise to Conflicts of Interest and establish the policy for the notification, management and resolution of the conflict.

The overarching message is that where there is any uncertainty on the matter the Conflict of Interest should be notified to the identified authorities in the Institute and other appropriate bodies. The notifications made under this policy do not replace or substitute any additional declarations of conflicts that an individual may need to make to third parties or where relevant to the Standards in Public Office Commission.

Staff are also referred to the internal IP Declaration and Assignment Form, the External Work Training & Consultancy Policy (see LYIT Website), the Grievance Procedure, and the Disciplinary Procedure and Code of Conduct policy (see LYIT HR Intranet).

This policy is not intended to undermine academic freedom. This policy is effected without prejudice toward academic freedom.

2. Scope

This policy applies to all staff, students and Governing Body of LYIT. The policy requires that all individuals must recognise situations in which that person may have a conflict of interest. The conflict of interest must be disclosed as provided for below. If staff member or student is unsure if this policy may apply to him/her, the matter should be raised to the appropriate Head of School/Function. A member of the Governing Body should refer to the Chairperson or Secretary for guidance. LYIT's policy statement on good research and avoidance of conflicts is set out below. Conflicts of interest arise in many circumstances and are not only linked to conflicts of interest in research.

3. Conflict of Interest

As set out above a Conflict of Interest is an actual, a potential or a perceived Conflict of Interest.

A Conflict of Interest arises when the commitments, duties, independence and objectivity owed by an individual to LYIT are likely to be or may appear to be compromised by a commitment to another body or person (private company; funding body; family member; or a close friend). This includes where the individual may have

resulting personal gain or benefit (financial or otherwise) or there may be gain or benefit to a family member or a close friend. A conflict of interest may be financial or non-financial.

A conflict of interest may also arise where an individual's judgement with respect to work being carried out for LYIT is unduly influenced by a secondary interest or there is seen to be an incentive to take certain actions by the individual. Where there is an appearance of or potential for a conflict of interest, even where none arises, the matter should be disclosed. Individuals must consider how a situation may be perceived.

3.1 Financial Conflicts

A financial conflict of interest is one, as outlined above, where there is or appears to be an opportunity for personal financial gain or financial gain to a family member or close friend. The financial value is immaterial and financial interest would include anything of monetary value. Any financial interest should be disclosed in accordance with this policy. Also see the Intellectual Property Policy for further information in relation to financial conflicts.

3.2 Non-Financial Conflicts

A non-financial conflict of interest may include any kind of benefit or advantage, including any form of career enhancement (direct or otherwise), enhancement of education or similar gain for the individual or to a family member or close friend. LYIT appreciates the difficulty in anticipating and addressing all conflicts in advance (see Appendix 3 for examples). Staff and students are reminded that questions regarding this conflict of interest Policy may be made informally and confidentially at any time to the Human Resources Manager or the Head of Research and Innovation for commercial matters.

4. Conflict of Interest & Research Practice

From an ethical, integrity and reputational perspective, it is particularly important to LYIT to manage conflicts of Interest in the context of research (see Appendix 2). To ensure that there is transparency and integrity in research; LYIT has the right to know if someone working on a research project may have a conflict. Declaring the conflict of interest is a way in which LYIT can ensure that the conflict of interest will not interfere with the individual's capacity to conduct independent research and or take advantage of resources available at LYIT. Where circumstances come to light that could lead to a conflict of interest, a researcher should immediately notify LYIT in accordance with this policy.

5. Procedure for Reporting Conflicts of Interest

It is the responsibility of all individuals to whom this policy applies to disclose any actual, potential or perceived conflict of interest. The conflict of interest should be reported, as set out below, at the time the conflict of interest first arises or the first indication that there may be a perception of a potential for a conflict.

The conflict of interest should be reported in writing as follows:-

5.1 Staff

- To the relevant Head of School (HOS)/Function or VP for Research, Equality and External Affairs (VPREEA)
- If the HOS/Function/VPREEA has an interest in the matter, the conflict of interest should be reported to the person at the next level of authority which could be the President
- Where the conflict of interest arises in the context of research, each researcher must make a declaration

as to whether they have any personal interest in relation to a proposed sponsor/collaborator or investor or any joint venture or party who may licence IP to or from the Institute.

5.2 Students

- The student should discuss with his or her Supervisor or Principal Investigator (PI) where appropriate.
- The student following discussion with the Supervisor or PI should complete the 'Conflicts of Interest Notification Form' (Appendix 3) and submit it to their Head of School/Department.

5.3 Governing Body Members

- Governing Body members should notify the Chairperson of the Governing Body.
- Governing Body members should also refer to section 11 of the Standing Orders of the Governing Body regarding Conflicts of Interest during Governing Body meetings.
- The Conflicts of Interest Notification form (Appendix 3) does not substitute for the annual reporting required under the Ethics in Public Office Acts to SIPO but should be completed by the Governing Body member to record their conflict.

Any conflict of interest disclosed must be updated as new information becomes available which could affect the previously notified conflict.

Where advice received in relation to a given conflict (from the appropriate reporting line) is adhered to then there will be no further Institute accountability to that person, this is subject to full disclosure of the conflict. It should be noted that this does not remove any external obligations such as legal actions outside of the Institute.

The President's Office/HR Function will provide an annual reminder to all those which this Policy applies of their requirement to disclose any potential or perceived conflict of interest. The Chairperson and or the Secretary will remind the Governing Body members.

In many instances there will be nothing further required. The declaration will be recorded in the relevant Schools/Functions 'Conflict Register' or where appropriate in LYIT's Conflict Register (Appendix 4). These registers will be held confidentially and each record will be held for the appropriate duration in line with LYIT's data protection policies.

Any conflict of interest disclosed must be updated as new information becomes available which could affect the previously notified conflict.

The Conflict Register will be reviewed at regular intervals by the relevant School/Function and an annual report will be provided to the Governing Body in terms of staff and students.

6. Managing Conflicts of Interest

In some cases there may be a need for LYIT to manage the conflict. In such cases the process for management of the conflict should be documented and all interested parties should receive a copy. The following may be appropriate ways in which to manage the conflict of interest but this is not an exhaustive list:-

- Abstention from meetings, decisions, or discussions on certain matters;
- Agreeing not to act as a particular student's supervisor or the appointment of a second supervisor;
- Not sitting on an interview panel and signing the conflicts of interest notification form prior to the interview
- Referring to others certain matters for decision;

- Standing aside from any project that creates the conflict of interest;
- Re-assigning certain tasks or duties to another person.
- Relinquishing a financial interest.
- Declaring the conflict of interest to a relevant third party (for example a funding body).

7. Reporting of Conflicts

In the case of staff and students in the event that a conflict cannot be adequately resolved at School/Function level it should be referred to the President who may issue directions or guidance on the conflict. Any direction of the President can be appealed to the Chairperson of the Audit and Risk Committee. The decision of the Chairperson of the Audit and Risk Committee shall be final notwithstanding the option to avail of the Institute's grievance procedures. Schools/Functions should review conflicts which become disclosed at departmental meetings to ensure that the conflict of interest is being actively managed.

With respect to any intellectual property, staff and students are also referred to the Internal IP Declaration and Assignment Form.

8. Role of the President

The role of the President is as follows:

- Advising the Institute and the Institute School/Functions on conflicts and the Conflicts of Interest Policy
- Monitoring the conflicts of interest and reviewing and revising the Conflict of Interest Policy where necessary
- Ensuring there are systems in place to promote and monitor compliance with the Conflict of Interest Policy
- Issuing direction or guidance on conflicts that are referred to the President and advise on any questions.
- Carry out regular audit of the Conflict Register

9. Non-Disclosure of Conflict

In the event that there is a non or partial disclosure of a conflict of interest in the case of staff and students; LYIT reserves the right to invoke the Disciplinary Policy in relation to the matter.

10. Confidentiality and Freedom of Information

Conflicts of interest notifications may be subject to disclosure under Freedom of Information. All conflicts of interest disclosures and related discussions will be held in confidence to the maximum extent permissible but shall be saved into the Conflict Register. Any personal data shall be held and maintained in accordance with data protection requirements and LYIT's data protection and retention policy.

11. Legislation Invoked in this Policy

- This Conflict of Interest Policy provides a statement of policy and guidance on situations of potential, actual or perceived conflict of interest having regard to the policies of the LYIT, Ethics in Public Office

Acts 1995, Standards in Public Office Act 2001 and the National IP Protocol 2019.

- In particular, it is not the intention of LYIT that this Policy should undermine academic freedom as defined in the Institutes of Technology Act 2006.
- Conflict of Interest Notification forms may be subject to disclosure under the Freedom of Information Act 2014.
- It is noted here that all LYIT staff and students must adhere to the institutional policies of LYIT when undertaking all research, educational and administrative activity (e.g. HR, Finance, Health & Safety, Procurement, Legal, Ethics, IP policies etc.).
- THEA Code of Governance 2019.

12. Review of Policy

- This policy shall be reviewed on a regular basis but at least annually by the Conflict of Interest Committee.
- The maximum lifespan of this policy is 4 years under the guidance of the National IP protocol 2019.

APPENDIX 1: DEFINITIONS

Conflict(s) of Interest/Conflict(s) means an actual, perceived or potential conflict where the personal interests of a person may be in conflict (or perceived to be in conflict) with the interests of Letterkenny Institute of Technology (the Institute) and as more specifically described in section 5 of the Policy.

Policy means this Conflict of Interest Policy.

Staff means all employees and full and part time staff of the Institute including but not limited to lecturers, Heads of School, Heads of Department, the President, members of the Executive Council, Research Staff, Postdoctoral Researchers, Research Fellows and Senior Research Fellows, visiting staff, External Supervisors of Research, Contractors involved in Research Related activities, any person engaged in a consultative capacity, holders of emeritus positions, any other staff involved directly or indirectly in research or related activities including technical, clerical, clinical and administrative staff.

Students means all students of the Institute including undergraduate, postgraduate, full and part-time students and student researchers.

Researcher means either students or staff as defined here.

Governing Body Member means a member of the Governing Body of Letterkenny Institute of Technology established under Section 6 of the Institutes of Technology Acts 1992 to 2006. Section 8 of the 2006 Act sets out the functions of the Governing Body.

APPENDIX 2: CONFLICTS OF INTEREST NOTIFICATION FORM



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Institiúid Teicneolaíochta Leitir Ceannainn
Letterkenny Institute of Technology

Conflict of Interest Notification Form

Individual details

Name:	
Position:	
Email:	
School/Function:	

Conflict details

Describe in full, the potential, actual or perceived conflict of interest in relation to your role at LYIT:

Name of any third party connected to the conflict:

Applicant declaration

I hereby declare the above conflict of interest in accordance with the Institute's Conflict of Interest Policy. I agree that if necessary I shall take the necessary steps to manage this conflict. I note that recommendations may be made to me with respect to the management of the conflict and where necessary I may be directed to take certain actions. I confirm that I have no other conflicts of interest, other than conflicts which I have disclosed, with respect to any activities carried out by me at the Institute.

I understand that my personal data will be processed in line with the below data protection notice.

Signed: _____
(Applicant)

Date: _____

Signed: _____
School/Function)

Date: _____ (Head of

Chairperson of the Governing Body (in the case of Governing Body Members)

Decision

In approving this request, I confirm that:

I have reviewed and/or discussed the conflict with the individual or their Line Manager and

I am satisfied that either:

- No conflict arises
- If a potential conflict exists, the approach to managing it will be effective. The following proposed action(s) will be implemented to effectively manage the conflict.

Signed: _____ Date: _____
(Head of School/Function)/
Chairperson of the Governing Body (in the case of Governing Body Members)

Signed: _____ Date: _____
(VP for Research, Equality & External Affairs))*

**Not applicable in the case of the Governing Body*

Data Protection Notice:

Personal data disclosed as part of this Notification Form will be processed in line with the Staff or Student Privacy Notice which is published on the LYIT website at <https://www.lyit.ie/About/Policies-Publications/Data-Protection>.

Personal data will be held securely and shared by the Head of School/Function and HR Department. Details from this notification form may be shared with the Conflicts of Interest's Committee and will be included on the Conflicts of Interest Register. An Annual Report of all conflicts will be made to the Governing Body. Personal data will not be shared outside LYIT except in the case of research projects which are carried out with research partners.

Conflict of Interest Notification forms may be subject to disclosure under the Freedom of Information Act 2014.

APPENDIX 3: TYPES OF CONFLICTS

The following examples are here to provide you with guidance for identifying some of the differing types of conflicts of interests which can occur at LYIT.

Financial interests

- Taking personal gain at the expense of LYIT.
- Involvement in the procurement of goods or services for LYIT with an entity that you have a personal interest in.
- Being a director/significant shareholder of an external company or holding shares in that company, and subsequently engaging the services of that company for LYIT-associated work (*e.g.* collaborative research), but where you have failed to disclose your interest.
- You or an associate (*e.g.* a spouse or friend) has a financial interest in an external organisation engaged in activities with LYIT that is closely related to your own area of research/work at LYIT.
- Holding a financial stake or a formal position (*e.g.* a directorship or paid consultancy) in a business venture with an LYIT staff member or student. This could create a conflict of interest between your working relationship with the staff member or a supervision conflict with the student.

Research interests

- Being a researcher who holds a position in an enterprise or shareholding (*e.g.* as director) that may wish to restrict/manage adverse research findings for commercial reasons.
- Having an affiliation or a financial interest which may benefit from the dissemination of research results in a particular way (*e.g.* an unexplained delay in publication).
- You are performing the same competing research for two institutions or companies simultaneously.
- As a staff member, you wish to participate in a research programme and act as a consultant to a research programme funder in respect of the deliverables of that research programme.
- As a staff member, you establish a spin-out company closely related to your area of research. You use the time and/or experience of PhD students or post-doctoral researchers to benefit this company, accordingly you are hindering their research progress.

APPENDIX 4: CONFLICTS OF INTEREST REGISTER

Ref	Individual Declarant	Recipient of Declaration/Approver	Details of Conflict	Steps Taken to Manage	Dates Covered/Approval Period	Further Comments



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