

Excerpts from Policy on Conflict of Interest – Academic Staff

The full policy can be found at:

<http://www.governingcouncil.utoronto.ca/policies/conacad.htm>

2. Conflict of Interest

No faculty member shall engage in activities which create for that faculty member a conflict of interest as defined in this Policy; however, where approval of an activity has been sought and received from the person with the authority to grant such approval, the activity shall be deemed not to be a conflict of interest.

3. Definitions

Conflict of Interest

A conflict of interest exists when:

- a) a faculty member's paid professional activities undermine rather than enhance the faculty member's ability to meet the faculty member's responsibilities to the University; or
- b) a faculty member's non-professional activities which are engaged in for personal gain undermine rather than enhance the faculty member's ability to meet the faculty member's responsibilities to the University; or
- c) a faculty member's personal or financial interest conflicts with the faculty member's responsibilities to the University.

Paid Professional Activity

A paid professional activity is an activity funded by sources other than the University which

- a) arises from the faculty member's academic position and expertise, and
- b) confers a financial benefit.

Major Paid Professional Activity

A paid professional activity is a *major* paid professional activity if it involves:

- a) teaching for remuneration outside the University, other than occasional lectures, whether at another academic institution or for a professional development programme; or
- b) a commitment to any individual project totaling more than 20 days in an academic year; or
- c) any combination of paid professional activities that are likely to exceed 45 days during an academic year.

Minor Paid Professional Activity

A minor paid professional activity is any paid professional activity that is not a major one but which, nevertheless, involves more than a minimal amount of the faculty member's time.

4. Activities Requiring Prior Approval

The following activities require the prior written approval of the person to whom the faculty member reports:

- a) All major paid professional activities;
- b) The use of University facilities, supplies, University support staff, or students whenever privately undertaken work or work of a paid professional activity entails more than trivial use of those facilities, supplies, support staff or students.
- c) Where the funds involved are administered by the University, the hiring, supervising, or evaluating of, purchasing from, selling to, engaging in any commercial transaction with, or conferring or denying any financial or commercial benefit on any member of the faculty member's immediate family or a person with whom there exists, or has recently existed, an intimate personal relationship;
- d) The academic evaluation of, or the conferring or denying of any academic or administrative benefit on any member of the faculty member's immediate family or a person with whom there exists, or has recently existed, an intimate personal relationship; and
- e) Where the funds involved are administered by the University, any research undertaken by a faculty member for a company or organization in which a significant financial interest is held by the faculty member, any member of the faculty member's immediate family, or any person with whom there exists, or has recently existed, an intimate personal relationship.

5. The Approvals Process

Major Paid Professional Activities

- a) The request for approval of a major paid professional activity shall be made in writing to the person to whom the faculty member reports and shall specify:
 - i. the category or type of client;
 - ii. the nature of the work;
 - iii. an estimate of the time required to perform the work;
 - iv. the extent, if any, of the use of University facilities, supplies, support staff or students;
 - v. any other major paid professional activities that have already been approved in that year or which are continuing from an earlier year; and
 - vi. the impact the activity will have on teaching, research, and service responsibilities.

- b) Notwithstanding clause (a), above, where the work is to be done under a Secondary Research Contract, the Secondary Research Contract/Payment Form itself shall be the basis for the requested approval along with the additional information required under 5(a)(iv) and (v), above.
- c) In exceptional circumstances and with the written approval of the Provost, the division head or chair may require that the identity of the client and any pertinent financial details of any specific activity be revealed by the faculty member to the division head or chair on a strictly confidential basis.
- d) The division head or chair shall evaluate the request in light of the extent to which the activity will undermine rather than enhance the teaching, research, and service responsibilities of the faculty member, while at the same time recognizing that faculty members are not to be discouraged from nor unduly restricted in this sort of activity, as it represents an important mechanism for disseminating the knowledge and expertise of faculty members to the community and for contributing to the faculty member's intellectual and professional development.
- e) In evaluating the request, the division head or chair may seek the advice of an advisory committee, although information received under 5(c), above, may not be revealed by the division head or chair to anyone, including members of any advisory committee. Members of such a committee shall be directed by the division head or chair to comply strictly with the rule on confidentiality set out in section 13, below.
- f) The division head or chair shall consider the request for approval as soon as possible and shall render a decision in writing within 10 days. The decision must, of course, reflect consistency of treatment among the faculty members in the division or department.
- g) If it is advisable for a faculty member to be permitted to undertake a major paid professional activity that would undermine the meeting of the faculty member's primary obligations and responsibilities, the division head or chair may require in granting approval that the faculty member take full or partial released time without pay; moreover, if a faculty member wishes to continue such activity indefinitely, the faculty member may be required to relinquish his or her status as a full-time appointee.
- h) If approval is denied, the faculty member shall be provided with the reasons for the denial in the letter of denial. The reasons for the denial shall be expressed in the same terms as the evaluation criteria set out in 5(d), above.

Use of University Resources

- a) A faculty member who wishes to carry out any of the activities listed in 4(b), above, shall make a request to do so in writing to the person to whom the faculty member reports. The request shall outline the nature of the use to be made of the facilities, supplies, support staff, or students.
- b) The division head or chair shall evaluate the request in light of the extent to which the request can be accommodated without interfering with work being carried out by others as part of their University work.

- c) The division head or chair shall consider the request for approval as soon as possible and shall render a decision in writing within 10 days.
- d) Absent exceptional circumstances, the division head or chair shall require payment to the University by the faculty member for the use of the facilities, supplies, or support staff, but only to the extent of the actual cost, including overhead, to the University of the use of the facilities, supplies, support staff, or students.

Dealings With Family Members

- a) A faculty member who wishes to carry out any of the activities listed in 4(c) or (d), above, shall request permission to do so in writing from the person to whom the faculty member reports. The request shall set out the activity to be carried out and shall indicate why it is desirable for the activity to be carried out, despite the apparent conflict of interest.
- b) The division head or chair shall evaluate the request having regard to the extent to which special procedures could be instituted in the particular circumstances which would ameliorate the effects of the conflict of interest.
- c) The division head or chair shall consider the request for approval as soon as possible and shall render a decision in writing within 10 days.

Research in Which the Faculty Member Has a Financial Interest

- a) A faculty member who wishes to carry out University-administered research as described in 4(e), above, shall request permission to do so in writing from the person to whom the faculty member reports. The request shall specify the nature of the research and the extent of the interest held in the company or organization for which the research is to be done by the faculty member or the faculty member's immediate family or person with whom there exists or has recently existed an intimate relationship.
- b) The division head or chair shall consider the request for approval as soon as possible and shall render a decision in writing within 10 days.