



# Conflicts of Interest Policy Athlone Institute of Technology

*Status: Final*

<b>Document title: CONFLICTS OF INTEREST POLICY AND GUIDELINES (Research Activities and IP Commercialisation)</b>			
<b>This document was first compiled on 9<sup>th</sup> April 2015</b>			
<b>Originator: Breda Lynch, TTO</b>		<b>Status: Approved, to be reviewed annually</b>	
<b>Date approved:</b> <b>9<sup>th</sup> April 2015 – IP Committee</b> <b>21<sup>st</sup> April 2015 – EMT</b> <b>28<sup>th</sup> April 2015 – Research, Innovation &amp; Enterprise Committee</b> <b>15<sup>th</sup> May 2015 – Academic Council</b> <b>17<sup>th</sup> June 2015 – Governing Body</b>			
<b>Date of next revision: 17<sup>th</sup> June 2016</b>		<b>Reviewer: Breda Lynch (TTO)</b>	
<b>Revision Number</b>	<b>Revision Date</b>	<b>Summary of changes</b>	<b>Date approved at: IP Committee EMT RI&amp;E Academic Council Governing Body</b>

Approved by Governing Body June 17<sup>th</sup>, 2015

**ATHLONE INSTITUTE OF TECHNOLOGY**  
**CONFLICTS OF INTEREST POLICY AND GUIDELINES**  
**(Research Activities and IP Commercialisation)**

## 1. INTRODUCTION

### 1.1 General

Athlone Institute of Technology (the “**Institute**”) is a higher education institute and public research organisation located in Athlone, Co. Westmeath, Ireland. As the Institute continues to invest in and strengthen its research capacity and capability, its strategy is to be a partner of choice for enterprise, focusing our applied research, innovation and enterprise support activities on addressing the needs of regional and national industry by proactively collaborating with startups and established companies and by providing a comprehensive range of knowledge intensive services.

### 1.2 Managing Conflicts

Any external activity engaged in by a Personnel Member must not be such as to interfere with the fulfilling of his or her duties and responsibility to the Institute. Any external employment, self-employment, working partnerships or consultancy work entered into by a Personnel Member must not conflict with the interests of the Institute and, in the case of staff, must have the prior written approval of the Institute.

Some situations, whether the activities are being undertaken by a Personnel Member under one or more grant-funded programmes of research or other collaborations or as part of his or her permitted external activities from time to time, might present an actual or potential Conflict of Interest.

To ensure the highest standards of practice and to maintain the highest integrity of the Institute, its research activities and results, the Institute is required to have policies and procedures in place for managing potential or actual Conflicts of Interest and to ensure that all Institute Personnel are aware of and follow these policies and procedures.

## 2. THIS POLICY

### 2.1 Purpose

This Policy sets out the Institute’s policies and procedures, agreed by its governing body, to minimise and manage Conflicts of Interest and Conflicts of Commitment arising from or in connection with research activities undertaken (or intended to be undertaken) by a Personnel Member and/or the Commercialisation of any resulting, or other, Intellectual Property (including, but not limited to, through a Campus Company). It is intended to provide guidance on identifying and managing conflicts.

All Institute Personnel are encouraged to use good judgment in protecting themselves and the Institute from Conflicts of Interest and/or Conflicts of Commitment and are encouraged

to report all potential Conflicts of Interest, and any Conflicts of Commitment, that may arise to the Institute.

Not every outside activity or interest will represent a Conflict of Interest or a Conflict of Commitment but in case of any doubt, the activity or interest should always be reported to the Conflicts Committee.

## 2.2 Scope

The Policy forms part of the regulations of the Institute which govern the conduct of the Institute Personnel. This is an important document and the policies and procedures set out in this document are important.

This Policy applies to all Institute Personnel.

## 2.3 Changes to this Policy

This Policy will be subject to annual review by the Institute and may be amended at any time by the Institute in accordance with its normal procedures.

## 3. RELEVANT DEFINITIONS

In this Policy, the following expressions will have the following meanings:

<b>“Campus Company”</b>	shall have the meaning given to it in the Campus Company Policy.
<b>“Campus Company Policy”</b>	means the Campus Company Policy of the Institute in force from time to time (and any subsequent amendment to it).
<b>“Commercialisation”</b>	means using Intellectual Property to create or develop a commercial activity. This may involve exclusive or non-exclusive licensing or assignment of Intellectual Property and may lead to a new company formation or the development and/or introduction of new or improved products or services.
<b>“Conflict of Commitment”</b>	usually occurs where an external activity compromises a Personnel Member’s ability to perform all of the activities reasonably expected of him or her by the Institute and/or prevents a Personnel Member from devoting the time and energy required to meet his or her responsibilities at or for the Institute.

<b>“Conflict of Interest”</b>	<p>occurs when financial or personal considerations, including Reportable Financial or Personal Interests, influence the professional judgment of a Personnel Member who is in a position to:</p> <ul style="list-style-type: none"> <li>(i) influence the design or conduct of research or the publication or use of research results; or</li> <li>(ii) realise inappropriate personal gain, directly or indirectly, from the use of public grant funds or other resources.</li> </ul>
<b>“Conflicts Committee”</b>	<p>means the committee established from time to time by the Institute to receive, review, assess and manage reports of potential or actual Conflicts of Interest and/or Conflicts of Commitment, as more fully described below.</p>
<b>“Connected Person(s)”</b>	<p>means spouse or current partner, child under the age of 18 years, brother, sister, father, mother or any other direct blood relative (no more than once removed), or any company or corporate entity in which the Personnel Member is interested by virtue of a shareholding (other than a shareholding of less than 5 per cent in respect of any company listed and/or traded on any recognised investment exchange) or a directorship.</p>
<b>“Institute”</b>	<p>means Athlone Institute of Technology having its headquarters located at Dublin Road, Athlone, Co. Westmeath, Ireland.</p>
<b>“Institute Personnel”</b>	<p>means any and all persons who:</p> <ul style="list-style-type: none"> <li>(a) are employed or engaged as a member of staff of the Institute;</li> <li>(b) are engaged by the Institute as a non-employee, including but not limited to visiting academics, consultants and contractors; and/or</li> <li>(c) otherwise fall within the scope of and are subject to the IP Policy;</li> </ul> <p>and who control, approve, carry out or otherwise participate in:</p>

- (i) the selection, application for funding and/or conduct of any research activities by the Institute, whether in collaboration with one or more third parties; and/or
- (ii) the Commercialisation of any Intellectual Property introduced to or resulting from the conduct of such research activities whether through a Campus Company or otherwise.

<b>“Intellectual Property” or “IP”</b>	means patents, trade marks, service marks, registered designs, drawings, utility models, design rights, business ideas, concepts, inventions, discoveries, breeders’ rights, materials, copyright (including the copyright in software in any code), database rights, know-how, trade secrets and other confidential information, technology, business or trade names, goodwill and all other rights of a similar or corresponding nature in any part of the world, whether registered or not or capable of registration or not, and including all applications and the right to apply for any of the foregoing rights.
<b>“IP Committee”</b>	shall mean the IP committee of the Institute as from time to time constituted pursuant to and in accordance with the IP Policy.
<b>“IP Policy”</b>	means the Intellectual Property Policy and Procedures of the Institute in force from time to time (and any subsequent amendments made to it).
<b>“National IP Protocol”</b>	means the set of objectives, agreed by the Irish Government, governing the management of and access to Intellectual Property undertaken in the Irish public research system as set out from time to time in the policy document entitled “ <i>Putting Public Research to Work for Ireland</i> ” (June 2012) and any valid amendments or supplements thereto.
<b>“Personnel Member”</b>	means a member of Institute Personnel.
<b>“Policy”</b>	means this Conflicts of Interest Policy and Guidelines (and any subsequent amendments made to it).
<b>“Reportable Financial or Personal Interests”</b>	means where a Personnel Member and/or his or her Connected Persons has or have a financial, personal or other beneficial interest in or to, or material to:

- (a) the design, conduct or reporting of any research activities undertaken, or intended to be undertaken by the Institute;
- (b) the Commercialisation of any Intellectual Property in relation to or resulting from such research activities; and/or
- (c) any matter that falls to be considered under this Policy and/or the National IP Protocol by the Conflicts Committee.

For the avoidance of doubt, Reportable Financial or Personal Interests shall **not** include salary, royalties or other remuneration paid by the Institute to the Personnel Member while employed or engaged by the Institute.

## 4. IDENTIFYING AND MANAGING CONFLICTS

### 4.1 Responsibility

The responsibility for avoiding Conflicts of Interest and any Conflicts of Commitment rests, in the first instance, with each Personnel Member.

As a condition of employment, engagement or admission by the Institute, each Personnel Member shall comply with this Policy and shall cooperate with the Institute, and the Conflicts Committee, and furnish all such information, documents and reasonable assistance as may be required to review, determine and/or manage any potential conflicts and to otherwise enable the Institute to fulfil its obligations under this Policy and the National IP Protocol to minimise and manage Conflicts of Interest.

### 4.2 Examples of Possible Conflicts

A potential Conflict of Interest occurs when a Personnel Member's personal or private interests might lead an independent observer to reasonably question whether his or her professional actions or decisions are influenced by considerations of personal interest, financial or otherwise. Listed below are examples of situations that **may** give rise to a perception of, potential or actual Conflict of Interest. This list is provided by means of example only and is non-exhaustive.

- Use of public grant funds or other resources to realise inappropriate personal gain;
- Private business related to a research programme or activities;
- Employment in addition to Institute employment;

- Outside professional activities and consultancy;
- Holding executive or non-executive directorships;
- Holding an interest in an external body which is involved in the negotiation of any research or licence agreement or other arrangements with the Institute;
- Receipt of gifts or direct benefits, such as sponsorship, provision of materials, facilities or personal support, travel, accommodation, conference fees or expenses from external organisations or individuals with a direct interest in the subject matter or materials of a Personnel Member; and/or
- Any other activity or interest which would be deemed under the National IP Protocol to constitute a Conflict of Interest.

#### **4.3 In case of Doubt**

Where there is doubt as to whether a potential or actual Conflict of Interest or Conflict of Commitment exists, the activity or interest must be reported to the Conflicts Committee.

### **5. REPORTING PROCEDURES**

#### **5.1 When to Disclose**

Disclosure of potential Conflicts of Interest should be made;

- (a) prior to the commencement of such a conflict;
- (b) when circumstances change in such a way that may give rise to a potential conflict; and/or
- (c) in response to such information requests or updates as may be reasonably required by the Institute from time to time in accordance with its relevant procedures.

#### **5.2 Forms and Supporting Documents**

All such disclosures must be made by completing and submitting to the Personnel Member's Head of Department/School/Centre the Declaration of Potential Conflict of Interests Form, a current copy of which is attached hereto at Annex I, and by providing such additional information and documents as his or her Head of Department/School/Centre and/or the Conflicts Committee may reasonable require from time to time to complete its review and determination.

#### **5.3 Referral to Conflicts Committee**

The matter must then be promptly referred to the Conflicts Committee for review and determination in accordance with the procedures outlined below.

## **6. THE CONFLICTS COMMITTEE**

### **6.1 Composition**

Unless otherwise constituted by the Institute at its discretion, the Conflicts Committee will be a sub-committee of the IP Committee and will comprise of the Head of Research, Innovation and Enterprise, the Industry Programmes Manager, the Human Resources Manager, a representative of the Finance Department (and/or their respective nominees, equivalents or successors) and such other Institute representatives or other technical or legal advisors or experts as the Institute and/or the IP Committee may nominate from time to time.

### **6.2 Role and Responsibilities**

The Conflicts Committee will:

- Provide information, advice and assistance to Institute Personnel for managing any competing interests and commitments;
- Promptly review and determine the status of all reported activities and interests;
- Handle and maintain all reported activities and interests in confidence;
- Determine the actions necessary to resolve or manage the potential or apparent conflict.
- Ensure these actions are implemented;
- Keep an accurate and up to date registry of reported activities and interests and record responses and certifications;
- Provide such certifications as may be required from time to time to meet funding agency conditions or other similar requirements; and
- Carry out (or have carried out) such other activities as may be reasonably necessary for the proper implementation and administration of this Policy.

## **7. RESOLVING CONFLICTS**

## **7.1 Determination by Conflicts Committee**

The Conflicts Committee decides on the necessary procedures for the management and resolution of all reported Conflicts of Interest and Conflicts of Commitment. Its determination will be based on the information disclosed in the Declaration of Potential Conflict of Interests Form and such other information, documentation and materials as may be reasonably requested and/or provided from time to time, having due regard to all relevant circumstances.

The Personnel Member shall be entitled to meet with the Conflicts Committee and/or to present to it such additional information as he or she deems relevant to enable the Conflicts Committee review and determine the matter.

## **7.2 Where a Conflict Exists**

If the Conflicts Committee determines that a Conflict of Interest or a Conflict of Commitment exists, the Conflicts Committee will make a recommendation to the Chair of the Research, Enterprise and Innovation Committee. The Chair will consult with the President, who has the authority to issue binding instructions with regard to the management of the conflict.

In many cases, a simple disclosure of the potential Conflict of Interest or Conflict of Commitment will be sufficient and no further action will be taken. Where a Conflict of Interest or Conflict of Commitment is deemed to be serious, it may be necessary for the Personnel Member concerned to discontinue one of the conflicting activities.

## **7.3 Publicly Funded Research and Reporting Obligations**

In any case affecting a partially or wholly State funded research programme, the Institute (and/or the Conflicts Committee) is required to report to the State research funding organisation concerned any unresolved Conflict of Interest and must agree with that funding organisation appropriate steps to deal with the conflict.

## **7.4 Written Records; Retention and Audit Rights**

A written record of how the conflict was dealt with and resolved will be maintained by the Conflicts Committee. The Conflicts Committee will retain all such records for a period of at least seven (7) years from the date of disclosure. Without limiting the Institute's obligation to treat and maintain confidentially all disclosures made pursuant to this Policy, the records of the Conflicts Committee (including any and all disclosures) may be subject to internal audit from time to time in accordance with the Institute's relevant procedures.

## **8. ADMINISTRATION OF THIS POLICY**

## **8.1 Responsibility**

In the Institute, the responsibility for the implementation and administration of this Policy rests with the TTO and the Conflicts Committee.

## **8.2 Contact Information**

Any queries regarding this Policy should be directed to the TTO.

ANNEX I  
ATHLONE INSTITUTE OF TECHNOLOGY  
DECLARATION OF POTENTIAL CONFLICT OF INTERESTS  
(Research Activities and IP Commercialisation)

Name of Personnel Member: \_\_\_\_\_

Position: \_\_\_\_\_

Name of Department/School/Centre: \_\_\_\_\_

Head of Department/School/Centre: \_\_\_\_\_

Client/Company Name and Address (*where necessary*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Give a brief description of your Reportable Financial or Personal interests:**

*(e.g., equity, share options, remunerated service agreements, etc.)*

*(additional pages may be attached, if required)*

\_\_\_\_\_  
\_\_\_\_\_

I declare that I have read and will comply with the Institute's Conflicts of Interest Policy and Guidelines. I declare that I have disclosed my full personal interest and confirm that I have no other activities, responsibilities or ownership entitlements that might lead to a Conflict of Interest situation or a Conflict of Commitment relating to research activities and/or IP Commercialisation. I understand it is my responsibility to submit this completed declaration (once signed by my supervisor) to the Conflicts Committee for its review and determination.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Personnel Member

I acknowledge this personal interest declaration of my staff member.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Head of Department/School/Centre

Received and acknowledged for and on behalf of the Conflicts Committee of the Institute.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

**[Institute Stamp:]**

Approved by Governing Body June 17<sup>th</sup>, 2015