

Research St. Joseph's – Hamilton (RSJ-H)		Pages 1 of 5	Number 005-RSJ-H
Policy Title Conflict of Interest		Date 19 January 2015	
Supersedes New policy	Cross Reference 041-RSJ-H	Issuing Authority RSJ-H Board of Directors	
<input checked="" type="checkbox"/> Charlton Campus	<input checked="" type="checkbox"/> West 5th Campus	<input checked="" type="checkbox"/> King Campus	

Position responsible for developing and maintaining the policy: *RSJ-H Scientific Director*

1.0 INTRODUCTION

Research is the systematic, careful, diligent search for knowledge. This critical inquiry and examination end in the discovery and interpretation of new knowledge or the collecting of information about a particular subject. This may lead to the revision of existing knowledge in the light of new facts, the development of new theories, the application of new knowledge to specific problems or conditions, or the development of new methodologies. An important aspect of research is its transmission both to the scientific community and the community at large who will be able to make use of the new knowledge or fresh insights that result from the research. Research may be basic or applied and includes not only laboratory based research, but clinical research, and behavioural and social sciences research. It is essential that there is objectivity in research, and there must be the expectation that the design, conduct and reporting of research will not be biased by any conflicting interests of the investigator or any staff member or student.

In an academic institution, there is the potential for conflict of interest in a number of areas. The following will address issues that are relevant to research.

2.0 SCHOLARLY ACTIVITIES

Researchers build not only on their own work, but on the findings of others. Their work is creative and must be founded on the principles of honesty and integrity in its reporting. It is the responsibility of investigators to be open in their communications, to promote ethical behaviour and to discourage misconduct and unethical behaviour or reporting. Conflict of interest can take many forms.

2.1 Serve as a Referee

Researchers are frequently called upon to act as peer reviewers of manuscripts or grant applications of other investigators. It is inappropriate for a reviewer to take undue advantage of the knowledge that becomes accessible during such reviews. For example, it would be a conflict of interest to delay the reviewing of such reports and/or using the information contained in them for purposes other than the intended review process. All such information is confidential until it is in the public domain.

2.2 Ethical Traditions within a Discipline

From time-to-time issues arise within a discipline, which lead to conflict among differing groups who may each have a vested interest in the outcome. When this occurs it is appropriate to balance the view of those who have the vested interests, with views from outside the discipline. It is for this reason that review boards such as the Research Ethics Board (deals with the use of humans in research) and the Animal Research Ethics Board, contain members of the lay public who do not have a vested interest in the outcomes of the deliberations.

2.3 Recognition of the Scholarship of Others

It is unethical not to recognise the ideas, work and assistance of others (colleagues, staff, students), or not to obtain prior permission to use the unpublished work or results obtained by others.

3.0 INDEPENDENCE IN CHOOSING LICENSEES

New, patentable or patented work can be licensed for marketing either:

- a) Through a new company created specifically for that purpose or;
- b) Through an existing company that is well positioned to produce and market the new invention.

The importance of transfer of patent rights and/or know-how may be crucial for the success of the venture. Before choosing which, among a group of seemingly appropriate companies might be most suited to undertake the venture, it is essential that the researcher (who is likely to receive considerable personal gain) avoid all appearance of conflict of interest by disclosing any and all involvement with the companies under consideration.

4.0 BUSINESS INVOLVEMENT OF RESEARCH

A potential conflict of interest exists when the involvement of a researcher or staff member in an outside business has the potential to compromise the interest of Research St. Joseph's – Hamilton (RSJ-H) or of St. Joseph's Healthcare Hamilton (SJHH). Some examples might include:

- a) A researcher at RSJ-H has a significant interest in a company and uses information to which other researchers, staff or students have made a significant intellectual contribution without recognition or compensation.
- b) The researcher uses SJHH staff on SJHH time to carry out work for a company in which the researcher has a significant interest.
- c) SJHH resources, space and other facilities are used without compensation to SJHH, to the benefit of a company of which the researcher has a significant interest.
- d) Differential charges are applied for the use of SJHH facilities that could lead to allegations of favouritism towards the company in which the researcher has a special interest.

To protect RSJ-H and SJHH, full disclosure in advance of any potential conflict of interest is necessary. In some cases, formal advance approval by RSJ-H may be appropriate. All disclosures or potential conflict of interest should be made in writing and submitted to the Scientific Director, and copied to the President of SJHH.

5.0 FINANCIAL INTEREST

5.1 Financial interest means anything of monetary value. This might include salary and other payments for service, e.g., consulting fees or honoraria; equity interests (e.g. stocks, stock options, ownership); intellectual property rights (patents, copyrights and royalties from such rights). The term, "financial interest" does not apply to:

- a) Salary, royalties or other remuneration from the parent institution;
- b) Income from seminars, lectures, or teaching engagements sponsored by public or non-profit entity;
- c) Income from service on advisory committees or review panels for public or non-profit entity;
- d) An equity interest when aggregated for the investigator, the investigator's spouse and dependent children:
 - i. Does not exceed 20% of the investigator's annual income as determined through reference to public prices or other reasonable measures of fair market value;
 - ii. Does not represent more than a five percent (5%) ownership interest in a single entity; or
 - iii. Salary, royalties or other payment that when aggregated for the investigator, investigator's spouse and dependent children over the next twelve (12) months are not expected to exceed 20% of the investigator's annual income.

5.2 Issues of financial conflicts are more readily understood by the general public than any other interest. They have the potential to be highlighted more than some other areas of conflict that are less readily understood. It is the responsibility of RSJ-H not only to maintain a policy on conflict of interest, but to ensure the policy is enforced.

5.2.1 Hiring Life-partners, family members & personal friends

The primary goal of any hiring process is to obtain the best possible individual for the job at hand through a fair and transparent process that is fair to all candidates. Where an actual or perceived conflict of interest arises through the hiring process, Human Resources and the RSJ-H Scientific Director have final authority on the successful candidate. Situations which involve direct or indirect supervision of a significant relation may be permitted with the approval of the RSJ-H Scientific Director. The Scientific Director reserves the right to not approve hiring, even if the candidate is otherwise suitable, if, in the opinion of the Director,

the hire would create a real, or potential, conflict of interest either within the research group, or in other areas.

5.2.2. Clinician Remuneration from Industry Sponsored Research

To maintain public trust and confidence RSJ-H and SJHH must deal with conflict in a fair, open, consistent, and practical manner. This requires that real or perceived conflict situations be identified and managed. The appearance of a conflict may be as damaging to the public trust and institutional reputation as an actual conflict. For this reason any perception of conflict must be disclosed, evaluated and managed with the same thoroughness as actual conflicts. One such conflict arising from the two roles is the remunerations of clinical activities undertaken in the conduct of research (Refer to policy 041-RSJ-H *Clinician Remuneration from Industry Sponsored Research*).

5.3 In managing conflicting interests the individual designated to oversee the potential conflict of interest (RSJ-H Scientific Director) should review all financial disclosures and determine whether there is a perceived or actual conflict of interest. Should such a conflict be determined, the RSJ-H Scientific Director should identify the actions that should be taken to manage, reduce or eliminate such a conflict of interest. The conflict of interest will exist when significant financial interest could affect the design, conduct or reporting of this research. Conditions or restrictions that could be imposed to allow the individual to continue with the line of investigation might include some of the following:

- a) Public disclosure of significant financial interests;
- b) Monitoring of research by independent reviewers;
- c) Modification of the research plan;
- d) Disqualification from all or part of the research project;
- e) Divestiture of the significant financial interests;
- f) Severance of the relationships that create actual or potential conflicts.

If for whatever reason, the investigator does not accept the conditions or restrictions suggested, the RSJ-H Scientific Director can authorize the termination of the project, through whatever means necessary. This may include but is not limited to:

- Report to the Research Ethics Board;
- Revocation of St. Joseph's Healthcare Hamilton space assigned to the researcher;
- Termination of affiliation with the Research Institute (Research St. Joseph's – Hamilton) which would result in the loss of access to research infrastructure and services.

- 5.4** In addition to the foregoing, as per the National Institutes of Health (NIH) mandate, Research St. Joseph's – Hamilton abides by the Public Health Service (PHS) regulations on *Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought* (42 C.F.R. Part 50, Subpart F) and *Responsible Prospective Contractors* (45 C.F.R. Part 94).