

Conflict and Declaration of Interest Policy

Principles

The University seeks to avoid actual and potential conflicts of interest where possible. We aim to act honestly, ethically and transparently. We seek declarations of both actual and perceived conflicts of interest and take appropriate action to manage the conflict.

All Council members, research students and staff, particularly those with responsibility for budgets or contracts, must take proper care to ensure that any conflict of interest, actual or perceived, does not arise from their position with the University or membership of or connection with other bodies and individuals outside the University.

As members of the University, regardless of position or seniority, they are under a duty to disclose conflicts of interest, actual or possible, to ensure the University acts in a manner which is honest, ethical and transparent. If found in breach of this policy, staff and students may be subject to disciplinary action. In the most severe instances this could result in staff dismissal, student expulsion or Council member's termination of appointment.

A. Recognising a Conflict of Interest

1. A conflict of interest arises where the commitments and obligations owed by an individual to the University or to other bodies, for example a funding body, are likely to be compromised, or may appear to be compromised, by:
 - 1.1 that person's personal gain, or gain to Immediate Family (or a person with whom the person has a Close Personal Relationship), whether financial or otherwise;
 - 1.2 the commitments and obligations that person owes to another person or body.
2. There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. It is important, therefore, for all staff and students when evaluating a potential conflict of interest to consider how it might be perceived by others.
3. The duty to declare a possible conflict applies to the perception of the situation rather than the actual existence of a conflict.
4. Conflicts of interest may be financial or non-financial or both. Further information about both types is set out in sections C and D below¹.

B. Definitions

5. For the purpose of this policy the following definitions apply:

'Member' is defined as the individual persons to whom this policy applies and include members of Council and its committees, salaried staff, students conducting research and staff and directors of subsidiary companies of the University.

'Immediate Family' is defined as 'spouse or civil partner, son, daughter'.

'Close Personal Relationship' is a relationship that could give rise to an interest and extends to but is not limited to 'unmarried partner, parent, brother, sister, grandparent,

¹ Members are advised to read the full Conflict and Declaration of Interest Policy which, along with the University's policy on Gifts and Hospitality and University's Anti-bribery & Corruption Policy, are available through the following link:
<http://www.brunel.ac.uk/about/administration/policies-and-other-important-documents>

grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, the (unrelated) child of an unmarried partner, adopted child, half and step members of family'.

'Close Personal Friend' is a relationship that could give rise to an interest and extends to, inter alia fellow employees, members of the same organisation, association of religious group, clients, customers, former clients, former customers, friends with whom you socialise'.

'Service Area' is the academic or professional service area in which a member belongs or is associated with.

'Service Area Head' is the head of the academic or professional service area in which a member belongs or is associated with, such as the Vice-Provost Dean of College, Director of Research Institute or Director of Human Resources.

C. Financial conflicts of interest

6. A financial conflict of interest, for the purposes of this policy, is one where there is or appears to be opportunity for personal financial gain, financial gain to close relatives or Close Personal Friends, or where it might be reasonable for another party to take the view that financial benefits might affect that person's actions.
7. Financial interest means anything of monetary value, for example:
 - 7.1 payments for services;
 - 7.2 equity interests (e.g. stocks, stock options or other ownership interests); and/or
 - 7.3 intellectual property rights (e.g. patents, copyrights and royalties from such rights).
8. The level of financial interest is not the determining factor as to whether a conflict should be disclosed. What might be 'not material' or 'not significant' for one person might be very significant for another. Good practice will mean the disclosure of 'any' financial interest, however small. A conflict will arise if the interest might provide, or be reasonably seen by others, to provide an incentive to the individual which affects their actions and where he or she has the opportunity to affect a University decision or other activity (because for example he or she is the principal investigator on a research project). For examples of conflicts involving financial interest see Appendix 1.
9. Trustee benefit (Council member benefit) is any instance where money or other property goods or services which have monetary value are received by the trustee (Council member) from the charity (the University). By law, trustees cannot receive a benefit from their charity unless they have an adequate legal authority to do so. This does not include:
 - 9.1 reasonable expenses that Council members are entitled to claim;
 - 9.2 remuneration and salary-related benefits that are provided for in the employment contracts of members of staff who are also Council members.

D. Non-financial conflicts of interest

10. Non-financial interests can also come into conflict, or be perceived to come into conflict, with a Member's obligations or commitments to the University or to other bodies, such as a professional body or a charitable organisation of which he or she is a trustee. Such non-financial interest may include any benefit or advantage, including, but not limited to, direct or indirect enhancement of an individual's career, education or gain to Immediate Family (or a person with whom the person has a Close Personal Relationship). For examples of conflicts of interest see Appendix 1.

E. Scope of the policy

11. This policy applies to members of Council and its committees, salaried staff, students conducting research and staff and directors of subsidiary companies of the University

Students not involved with research, Emeritus Professors, Visiting Professors, Visiting Lecturers, Visiting Researchers and non-salaried staff may wish to consider declaring a conflict with the University, but they are under no obligation to do so. It is anticipated that any obligation to declare an interest will be specified in the contract of engagement or related documents.
12. It is the responsibility of each individual Member to recognise situations in which he or she has a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to the appropriate person and to take such further steps as may be appropriate, as set out in more detail under the procedure section below (see Section E and Appendix 2). Council members, as charity trustees, have a legal duty to declare any interest to ensure that they act in the best interests of the charity (the University).
13. Although there is no obligation to register the interests of their Immediate Family, those living in the same household and other connected persons (other than for gifts and shares), Members should be alert to the possibility that any given matter will concern an interest of such a connected person. Where the interest is clear and substantial, the Member concerned should not take part in any University business or discussion connected with that connected person and in respect of University committee matters, should normally withdraw from both the discussion and vote on the particular item in question.
14. If an individual Member is uncertain about how this policy might affect his or her activities or has any questions about its application, he or she should contact the appropriate person (as identified in paragraph 16) or the Chief Governance Officer.

E. Procedure

15. The general rule, with the exception of committee business (see section G below) is that disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived, in writing to the Service Area Head in which a Member belongs or is associated with). If the head has an interest in the matter to be discussed, the disclosure shall be made to the Chief Governance Officer. For University Senior Officers, members of the Executive and members of Council, disclosure should be made to the Chief Governance Officer. Exceptions to this rule are outlined in Appendix 2 (Exceptions to the General Rule on Disclosure).
16. In the case of a researcher, where the research involves human participants, they should notify the relevant Research Ethics Committee of any potential conflict of interest when seeking ethical approval. Researchers should contact the Chair of the University Research Ethics Committee (res-ethics@brunel.ac.uk) for guidance on this matter. Please see the University Code of Research Ethics for further information.
17. In the case of undergraduate and postgraduate taught students, the student should discuss the relevant issues with his or her tutor or other nominated academic, who, where appropriate, will consult with the Vice-Provost & Dean of College following which an approach for dealing with the conflict might be agreed. In the case of postgraduate research students, this discussion should be conducted with the student's supervisor. Where the conflict (or perceived conflict) of interest arises between the interests of the supervisor and the student, the student should discuss the matter with the Director of the Graduate School, or the person responsible for postgraduate students in the academic area to which they belong.

18. Situations may require nothing more than a declaration to be completed in writing, which must be held in the applicable Service Area's records.
19. Some instances may need to be dealt with by agreement as to how the conflict can be actively managed. The approach agreed should be documented and copies provided to the relevant parties. A copy of the final management plan must be held in the Service Area's records.
20. It is the responsibility of those affected to comply with the approach that has been agreed.
21. Any unresolved matter shall be referred to the Chief Governance Officer for advice. The Chief Governance Officer may refer the matter to Council's Ethical Advisory Committee for guidance or resolution.
22. Guidance on situations that are frequently encountered and which may give rise to particular kinds of conflicts requiring special action is set out at Appendix 1-3.

F. Exceptions to the general rule

23. Appendix 2 describes the instances where the general procedure is varied and further specific steps are required.
24. Each Service Area head should notify the Chief Governance Officer of the actions taken to inform staff of the policy requirements and promote compliance on an annual basis.

G. Committee meetings

25. At their first meeting of the academic year, every committee within the University should have a standing item on their agenda addressing conflict and declaration of interest. Members should be invited to read the explanation of a conflict of interest (Para A1 above) and be briefed as to the procedure for declaring such an interest if and when such a circumstance arises during the course of the year.
26. It is recommended that committees adopt the practice of including a similar statement in each committee agenda, for e.g. members will be asked to declare any interest that could give rise to conflict in relation to any item on the agenda at the beginning of the meeting. All interests so disclosed will be recorded in the minutes of the committee. If the Chair of the meeting deems it appropriate, the member shall absent himself or herself from all or part of the committee's discussion of the matter.

G. Annual declaration of interests

27. In addition to declaring any conflict or potential conflict in accordance with the procedure above, the following post holders shall be required to submit an annual declaration of interests to the Chief Governance Officer (using the form set out at Appendix 3):
 - Members of the Executive Board
 - Members of Finance Committee
 - Members of Nominations Committee
 - Members of Remuneration Committee
 - all staff involved in procurement
 - the Vice-Chancellor and President;
 - the Provost;
 - the Vice Provosts;

- the Chief Operating Officer;
- the Chief Finance Officer
- the Chief Business & Innovation Officer
- the Chief Information Officer
- all members of Council;
- all members of Audit Committee;
- the Vice Provosts and Deans of Colleges;
- the Directors of Research Institutes;
- the Director of Finance;
- members of the Ethics Advisory Committee;
- the Chief Governance Officer.

This is not an exhaustive list of those required to make a declaration of interest and does not preclude any member of staff or students to make a declaration.

28. Persons with grounds to inspect declarations of conflict of interest, such as the internal and external auditors, shall be allowed access at the discretion of the Chief Governance Officer.

H. The Ethics Advisory Committee for the University

29. The Ethics Advisory Committee for the University exists to support Council and the University in ensuring the aims and the objectives of the Ethical Framework are fulfilled. This extends to considering issues relating to conflicts and declarations of interest that are referred to it by the Chief Governance Officer. The Ethics Advisory Committee for the University's remit are set out in Council Ordinance 5.

I. Review of the conflict of interest policy

30. This policy shall be the subject of review by the Ethics Advisory Committee, Council and, as necessary, other relevant bodies such as Audit Committee. Any such review will take place in the light of guidance on best practice issued by external bodies and, in any event, occur not less than once every three years.

Appendix 1: Examples of Situations

Financial interests:

Examples of situations in which financial declarations of conflicts of interest are made:

1. Staff of the University serving on other bodies, e.g. research council committees, grant review panels, editorial boards etc., will typically be asked by those parties to declare financial interests.
2. Authors submitting a manuscript must disclose any 'significant financial interest', or other relationship, with the manufacturers of any commercial products or providers of commercial services discussed in the manuscript and any financial supporters of the research. The intent of such disclosures is not to prevent an author with a significant financial or other relationship from publishing a paper, but rather to provide readers with information upon which to make their own judgments.

Research:

Examples of situations that give rise to conflicts of interest in research include:

3. The researcher has a financial interest in the company sponsoring the research, this being exacerbated if the value of the researcher's interest may be affected by the outcome of the research. The researcher is an inventor of patents or creator of other IP whose value may be affected by the outcome of the research.
4. The researcher holds a position in an enterprise (e.g. as director) that may wish to restrict (or otherwise manage) adverse research findings for commercial reasons or not wish to publish the results of the research.
5. A researcher or a related body in which the researcher has an affiliation or a financial interest may benefit, directly or indirectly, from dissemination of research results in a particular way (including any unwarranted delay in or restriction upon publication of such results).
6. A researcher conducts a clinical trial which is sponsored by any person or organisation with a financial interest in the results of the trial. A postgraduate research student conducts research on a project that receives support from a company in which the student has a financial interest or significant position.
7. Some research funding agencies set specific disclosure requirements related to financial interest. They may require, for example, direct notification to them or to University officials where a principal investigator's financial interests might reasonably appear to be affected by the outcomes of the research. Some types of research, e.g. clinical trials, also require additional declarations related to financial interest. Researchers need to be aware of and comply with those specific requirements. Further information can be found in the terms and conditions of the grant or contract. Researchers should contact the Research Support and Development Office (RSDO) if they are in any doubt as to the requirements.

Student supervision and teaching:

Examples of situations that give rise to conflicts of interest in relation to student supervision and teaching include:

8. Staff with a close personal or familial relationship with a student or a student's family who may be involved in decisions about that student's admission, supervision or academic progress, or the award of any studentships, prizes or other grants to the student.

9. An academic or a non-academic member of staff who is on the Governing Body of a school who may be involved in considering a student from that school for an undergraduate place.
10. A member of staff who is in a position to judge the quality of a student's work or to evaluate a student in any way holds or proposes to take a financial stake or hold a formal position in any student-run, -owned or -controlled commercial venture whilst that student is enrolled at the University.
11. A postgraduate research student receiving support from a company in which his/her academic supervisor has a financial interest or position.

Other examples of possible conflicts of interest:

12. Participating in the appointment, hiring, promotion, supervision or evaluation of a person with whom the staff member has a Close Personal Relationship.
13. A researcher has a financial interest in the licensee (or proposed licensee) of University intellectual property.
14. A staff member takes part in the negotiation of a contract between the University and a company, where the staff member or his or her family or a Close Personal Friend has a financial or non-financial interest (e.g. a directorship) in that company.
15. An academic who has an external editorial position, such as one with a commercial journal, and is also on a University committee that is responsible for recommending journal subscriptions.
16. A staff member chairs a University committee which is to consider the allocation of funds to be shared between a number of Service Areas, including his or her own.

Appendix 2: Exceptions to the General Rule on Disclosure

1. As explained in paragraph 15 of the policy, the general rule is that disclosure should be made at the time the conflict first arises, or it is recognised that a conflict might be perceived, in writing to the Service Area Head. If the Head has an interest in the matter to be discussed, the disclosure shall be made to the person at the next higher level of authority. In most cases this will be to the Service Area Head. For University Senior Officers, the line of approval is to the Chief Governance Officer. However, in some circumstances, the procedure is slightly different. These are set out below.

Research

2. Where any researcher has a conflict of interest, they must follow the procedures described in Section E of the main policy. A researcher must also comply with the following:
 - 2.1 Clarification by principal investigators of any personal interests: to assist the assessment of situations which could lead to a real or perceived conflict of interest at the stage of applying for a research grant, or negotiating a contract the University requires all principal investigators to clarify whether they have any personal interest (shareholding, consultancy, directorship, etc.) in relation to the proposed sponsor. This is done on the outside grant (OG) form when submitting applications for external research funding to Research Support and Development Office (RSDO).
 - 2.2 Ethics-researchers must also comply with specific declaration requirements as laid down by the appropriate University Research Ethics Committee. Researchers should contact the Chair of the Research Ethics Committee if they have questions about those requirements. This aspect should remain separate from the process outlined in the Declaration of Interests Policy as this is a requirement of the University Research Ethics Policy.
 - 2.3 Some funding agencies set requirements relating to conflict of interest. They may, for example, require direct notification of certain interests to them; reserve the right to review the proposed plan for managing the conflict of interest; and/or prohibit grant holders from undertaking certain activities. Researchers need to be aware of and comply with those specific requirements. Researchers should contact Research Support and Development Office [RSDO] if they wish to seek advice on any aspect of funding terms and conditions.
 - 2.4 Areas such as biomedical or clinical research projects may attract particular attention particularly where members of staff and researchers have a financial interest in a company conducting such research. Colleagues need to be aware of the potential for significant financial consequences of research outcomes and the potential harm to members of the public engaged in clinical trials or under treatment. The circumstances of the research and the nature of the involvement will determine whether there is a conflict of interest, not the outcome. Staff and students who have a financial interest in a company that may reasonably appear to be affected by the results of proposed biomedical or clinical research must disclose that interest to the Vice Provost (Research) for review/approval. A conflict of interest plan/approach designed to protect the integrity of the research and the reputation of the academic(s), their research group(s) and the University must be developed.
 - 2.5 If a student receiving support from a company in which his or her supervisor has a financial interest, or where the outcomes of the research are related to the activities of such a company: to preserve the integrity of the research the student and academic must disclose the conflict to both the Service Area Head and the

Chief Governance Officer for review/approval of a conflict of interest plan/approach.

Spin-outs and licensees of University IP

3. Staff or students may have a financial interest or other personal interest in a spin-out or in an organisation to which the University has licensed or is seeking to license University IP or may have personal IP with which they are intending to create a start-up company.
4. In such cases:
 - 4.1 They should normally play no executive role in any decisions made between the University or its subsidiaries and such spin-outs or IP licensees. If it is believed that there are exceptional circumstances to argue for such involvement, prior permission must be sought from the Service Area Head and then from the Vice Provost (Research). The proposed conflict of interest plan/approach to be put to the Head and then the Vice Provost (Research) must aim to protect the reputation of the academic(s), their research group(s) and the University and ensure compliance with company law.
 - 4.2 If they wish to undertake a consultancy for that spin-out, they must seek prior permission from the Service Area Head, and in turn from the Vice Provost (Research). The proposed conflict of interest plan/approach to be put to the Service Area Head and then the Vice Provost (Research) must aim to protect the reputation of the academic(s), their research group(s) and the University and ensure compliance with company law.
5. Staff wishing to buy or subscribe for shares in a spin-out at any stage prior to the listing of the shares in the company on a recognised Stock Exchange must seek permission in advance from the Service Area Head and then from the Chief Governance Officer.

Sale, supply or purchase of goods or services

6. Staff must ensure the probity of all financial transactions. The sale or supply of goods by the University or the purchase of goods or services by the University must be carried out in accordance with the University's Financial Regulations. Staff should not normally be involved in supply or purchase decisions in relation to any external organisation in which they or any members of their family or any person with whom they have a Close Personal Relationship have a financial interest or in any way have the capacity for personal gain. If there are exceptional circumstances that require such involvement, the following process should be followed:
 - 6.1 The person should disclose, in writing to their Service Area Head, the nature of the transaction, the potential conflict and the method proposed to manage the conflict.
 - 6.2 They and their Service Area Head must formulate a proposed plan/approach that protects the University and ensures compliance with the law and the integrity of the transaction(s) and the individuals involved.
 - 6.3 The Service Area Head must then seek approval of that plan from the Chief Governance Officer.

Appendix 3: Declaration of Interests

Guidance Notes

The main purpose of the declaration form is to create a Register and provide information on any interests which might reasonably be thought by others to influence the actions, comments, or votes in meetings of those responsible for discharging the business of the University. Colleagues are required to keep this overall purpose in mind when registering their interests.

The Chief Governance Officer or Council's Ethical Advisory Committee may require any member of the University to complete the declaration form if it is considered a conflict or potential conflict of interest may exist which should be recorded on the Register.

In addition to this, the following post holders shall be required to submit an annual declaration of interests to the Chief Governance Officer:

- The Vice-Chancellor and President;
- the Provost;
- the Vice Provosts;
- the Chief Operating Officer;
- the Chief Finance Officer
- the Chief Business & Innovation Officer
- the Chief Information Officer
- all members of Council;
- all members of Audit Committee;
- the Vice Provosts and Deans of Colleges;
- the Directors of Research Institutes;
- the Director of Finance;
- members of the Ethics Advisory Committee;
- the Chief Governance Officer;
- Members of the Executive Board
- Members of Finance Committee
- Members of Nominations Committee
- Members of Remuneration Committee
- all staff involved in procurement

This is not an exhaustive list of those required to make a declaration of interest and any member may also be required to make a declaration. Members are advised to read the full Conflict and Declaration of Interest Policy which, along with the University's policy on Gifts and Hospitality and University's Anti-bribery & Corruption Policy, are available through the following link: <http://www.brunel.ac.uk/about/administration/policies-and-other-important-documents>

Persons with grounds to inspect declarations of conflict of interest, such as the internal and external auditors, shall be allowed access at the discretion of the Chief Governance Officer.

Relevant interests are any pecuniary, family² or other personal interest which might be pertinent to the conduct of the University's affairs including the work of Council. Where the interest is of relevance to the business of Council or one of its committees, the declaration shall be made as soon as practicable either at the meeting or in advance to the Chair or Chief Governance Officer. Council may be required to authorise any declaration of interest.

Members of Council should note the details set out in Council Ordinance 2 (Council Membership).

Named post holders and anyone required by the Chief Governance Officer or Council's Ethical Advisory Committee to make a declaration are requested to complete the attached form to declare any and all interests outside the University that they have. Payments received should include cash, kind or services.

If you have any doubts as to whether to declare a certain interest or not or have any questions relating to the completion of this questionnaire, please contact the Chief Governance Officer.

Paid employment

This includes self-employment and offices held.

Trustee benefits

Trustee benefit is any instance where money or other property goods or services which have monetary value are received by the trustee [Council Member] from the charity [the University]. The law says that trustees cannot receive a benefit from their charity unless they have an adequate legal authority to do so. This does not include:

- reasonable expenses that Council Members are entitled to claim;
- remuneration and salary-related benefits that are provided for in the employment contracts of members of staff who are also Council members.

Directorships

All paid directorships and unpaid directorships should be declared.

Clients

Other than those identified above, clients to which services are provided (or through his or her employer or company) that arise out of Council membership or University employment should be declared.

Gifts, Hospitality or Services

This includes financial or other material support, benefits or hospitality. Named post holders and anyone required by the Chief Governance Officer or Council's Ethical Advisory Committee to make a declaration are asked to register any such gift received personally or by those close to him or her from a source which in any way arises out of membership of Council or University employment. If it is not easy to decide between what is and what is not acceptable in terms of gifts or hospitality, the offer should be declined or advice sought from the Chief Governance Officer or Head of Legal Services. For the protection of those involved, the Chief Governance Officer will maintain a register of gifts and hospitality received where the value is in excess of £50. Those in receipt of such gifts or hospitality are obliged to notify promptly the Chief Governance Officer.

Land

Other than a home used solely for personal accommodation, named post holders and anyone required by the Chief Governance Officer or Council's Ethical Advisory Committee to

make a declaration are asked to register all land and property within a 10-mile radius of University premises.

Shareholdings

Named post holders and anyone required by the Chief Governance Officer or Council's Ethical Advisory Committee to make a declaration are asked to register the name of all public and private companies or other bodies in which they or those close to them have a beneficial interest. Shareholdings amounting to less than 5% of the issued share capital, or where the nominal value of the holding is less than £25,000, do not need to be registered.

Other

This is a general section where interests are registered that do not fall into the above categories but which fall into the general purpose of the register. For example, unremunerated interests, positions of authority held or other significant involvement in other organisations, e.g. charitable or political or other educational bodies. It is imperative for members of the governing body and senior management involved in procurement to disclose interests they have in, or with, any organisation from whom the University procures goods or services.

Note

Although there is no obligation to register the interests of their Immediate Family members, those living in the same household and other connected persons (other than for gifts and shares), colleagues should be alert to the possibility that any given matter will concern an interest of such a connected person. Where the interest is clear and substantial, the person concerned should not take part in the discussion and should normally withdraw from both discussion and vote on the particular item in question.

While Council may be required to approve any conflict of interest, colleagues should feel free to withdraw from a particular discussion or vote on the grounds of an external interest without specifying the detail of that interest.

Staff should bear in mind that the obligation to declare an interest is a continuing one. Should a member of staff realise retrospectively that they have an interest which is connected with a matter that has been considered they should notify the Chief Governance Officer of that interest at the earliest opportunity.

Declaration of Interests Form

Brunel University London

Declaration of Interests: November 2020

Name:	
Contact Details: (Email and Telephone):	
University Service Area:	
Academic/Research/Professional Service Line Manager Details:	
Interests Declared:	
Declarer's Signature:	Date of Completion:
Line Manager's Signature:	Date of Completion:

Document author:	Chief Governance Officer
Document approver:	Council
Last updated:	November 2020

