

# CONFLICT OF INTEREST & CONFLICT OF COMMITMENT

## SAMPLE SCENARIOS

**NOTE: THESE SCENARIOS COMPRISE EXAMPLES OF THE TYPES OF CONFLICTS THAT A STAFF MEMBER WOULD BE OBLIGED TO REPORT IN HIS OR HER DISCLOSURE REPORT.**

**1. *Conflict Scenario:*** Your Division has put out a Request for Proposal for provision of catering services for five major events in the coming year. A former business partner has just started her own catering company. She asks you to write a letter of reference for her as a caterer, or at the very least “put in a good word” for her when your office considers the bids.

***Likely Outcome***

You should avoid becoming involved in this bidding process in any way, even if you are not part of the team who will make the final decision. Irrespective of your friend’s skill as a caterer or the amount of her bid, any involvement in the contract-letting process, including giving your friend a reference, could be seen after the fact by a reasonable observer as a conflict of interest.

**2. *Conflict Scenario:*** You are an Administrative Professional Officer at the University and you volunteer on weekends at a local centre for immigrant women. You have contact through your University employment with an individual who wishes to donate \$1 million to support the teaching of ESL, and in fact your unit is just starting to negotiate the details of an endowment with the individual. You know that the centre for immigrant women where you volunteer could use the money to build a new building and to start an ESL program. You want to introduce the donor you know “from work” to the Director of the centre.

***Likely Outcome***

Your commitment here is to the University of Alberta: you have knowledge of the individual and his intentions by virtue of your employment with the University. Hence you should not introduce the donor to the Director, lest you jeopardize the endowment to the University.

**3. *Conflict Scenario:*** You are a majority shareholder in a small, specialized software company that produces software that the University uses. You are a Chair, and the company wants to sell its software to your department. You believe this software will help your administrative team manage some large projects.

***Likely Outcome***

You should report this in your Disclosure Report as a conflict of interest. Your departmental APO should contact Supply Management Services and arrange to do a Request for Proposals to supply this software. You should ensure that you do not take part in any assessment of the bids resulting from the RFP.

**4. Conflict Scenario:** You and your husband met in graduate school, where you both received doctorates. You have been hired by the University of Alberta as a tenure-track faculty member; your husband has stayed at home since you moved here two years ago to look after your two pre-school children. You want to hire your husband to work with you doing literature searches and some statistical analyses.

***Likely Outcome***

In most cases, you can avoid a conflict of interest by ensuring that your Chair or Dean takes the lead in hiring and supervising your spouse or family member. Supervision in this instance includes decision-making concerning hiring, wages, promotion and evaluation. As a staff member, you must complete an *Allowed Conflict Memorandum of Agreement (linked to COI/COC Assessment Procedure)*, which details supervisory and other arrangements, and submit the MOA with your Disclosure Report.

**Note:** The University of Alberta hires on the basis of merit. It is committed to equal access by all individuals to employment opportunities at the University. Thus, family of staff members and individuals closely associated with staff members (e.g. former business partners) may apply for, and shall be considered in competition for, positions within the University. Additionally, the employment of the aforementioned individuals does not in itself constitute a conflict of interest. Staff members are advised to avoid being involved in the hiring or supervision of any person who could be construed by a reasonable observer to be given an unfair advantage on the basis of his or her relationship with a staff member.

**5. Conflict Scenario:** As well as being a faculty member at the University of Alberta, you are an accomplished local artist whose paintings have been highly praised and are appreciating in value. You would like to sell some of your paintings to the University.

***Likely Outcome***

As a private citizen, you are free to contact the unit that purchases art for the University or any other potential purchasers at the University, provided they are not purchasing art with resources controlled by you. You should not use University time to make these contacts/sales, and you should report that you have sold paintings to the University on your Disclosure Report. If you are in the position to purchase art, you should recuse yourself from making purchases in which your art would be considered.

**6. Conflict Scenario:** You have recently changed jobs at the University and you are now an APO in a Faculty. The Faculty has contracted your brother's firm to lead a major undergraduate program review. You are in charge of overseeing all expenses for such consulting contracts.

***Likely Outcome***

You should report this as a conflict on your Disclosure Form and make arrangements for someone other than yourself – your Dean, Associate Dean, or Assistant Dean – to make all decisions regarding finances and dispersal of funds.

**7. Conflict Scenario:** You and your colleague at the University of Washington have co-authored a text book. Both of you are considered experts in your field of research, and your publisher has had a lot of interest in the text from North America and Europe. You would like to use the text in your class. It is available at the Bookstore and costs \$125.00. You receive royalties in the amount of ½ of 1%. You and your colleague plan to make several revisions to the text this summer and release a second edition in Spring 2007.

***Likely Outcome***

You should report this conflict in your Disclosure Form, and describe the steps you have taken, i.e. you should discuss the issue with your Department chair or Dean and they will work with you to manage the conflict. The text must be appropriate for the course and you should be able to convince the Chair or Dean that it is the best text to support your course. Your Chair or Dean will see student feedback on your course and if there is concern raised regarding the choice of text this will be part of the managed conflict. Revisions to recommended texts should only be undertaken when there is significant new information to replace or add.

**8. Conflict Scenario:** In addition to your academic activities at the University, you also work as a consultant in your field, where your advice is highly regarded and highly rewarded. You are receiving consulting fees for sharing information with private companies about the latest discoveries that, under your direction, your graduate students have made at the University. You have recently invested your own money in stock in one of these companies.

***Likely Outcome: Assessed***

You should report this conflict on your Disclosure Form. Your Chair (your Reporting Officer) and your Dean would need to meet with you to determine whether the work benefits both the University and the private concern, whether the external work is part of maintaining your professional standing and competitiveness, and so on.

**9. Conflict Scenario:** You have extensive teaching and research obligations at the University; however, you also like to volunteer at sporting events in the city and you are on the planning team for the “Bring the Olympics to Edmonton in 2018” Committee. You receive a small monthly stipend from the Committee to cover out-of-pocket expenses and you also receive free air tickets for fact finding trips. The sense of satisfaction you receive from this volunteer work is immense, but you have noticed that you are often obliged to be away for four to five days a month on these trips.

***Likely Outcome***

You are obliged to report this conflict of commitment on your Disclosure Form. Your Reporting Officer will need to consider to what extent, if any, your activities benefit the University. The assessment will be affected by the position you hold at the University; for instance, if you are a professor in Physical Education and Recreation, your activities may be deemed not only permissible, but also quite valuable to the University. Depending on your Faculty’s definition of Supplemental Professional Activity (SPA), this may be defined as SPA under Article 8 of the Faculty Agreement and appropriate steps taken in line with that process.

**10. Conflict Scenario:** You have hired one of your graduate students to tutor your son in high school chemistry.

***Likely Outcome***

You are advised to avoid this type of situation as you are in a supervisory/power relationship with your graduate student. What would happen if your graduate student proved to be an unsuitable tutor? What if she acted inappropriately with your son? What if your son fails his Chemistry 30 examination? What if you felt obliged to this student, and you gave her preferential treatment or were accused of giving her preferential treatment at University?

**11. Conflict situation:** You are a Faculty Lecturer at the University. You also have a small consulting firm offering therapy to victims of violent crime. You do your consulting from your home office, and you see clients after 6 p.m. and on Saturdays. Some of your clients want to see you during the day at your University office, preferably at noon hour. One client insists he can only see you before he goes to work at 9 a.m.

***Likely Outcome***

In general, University resources such as office space are not to be used for private business dealings. Some Supplementary Professional Activity arrangements may stipulate that the staff member may use office space for specified times for private practice.

**12. Conflict situation:** You are a researcher at the University. You also set up a spin-off company in order to commercialize an invention regarding testing of certain data. You wish to contract with the University to purchase services for sample analysis.

***Likely Outcome***

You are obliged to report this conflict of interest and, potentially, commitment on your Disclosure Form. In order to complete a Memorandum of Agreement outlining how the conflict will be managed, your Reporting Officer will need to, first, consider to what extent, if any, your invention has been a product of your University research activities. Next, you will need to identify the mandate of the spin-off company and how this invention will be used by the company. Finally, your Reporting Officer will need to determine how your role as a researcher and your role as a director of the spin-off company will be documented and managed appropriately. An Oversight Committee would likely need to be established in order to assist you in managing conflicts as you will have the fiduciary responsibilities of a University employee and of a director of a company .

**13. Conflict situation: INSTITUTIONAL CONFLICT --** An institutional conflict could arise if the University were to contract for goods and services of a significant value from a company in which the University has an ownership interest. Such situations could arise in dealings with University spin off companies as well as companies in which the University has invested.