



# **Conflict of Interest Policy**

## **Version 1.0**

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This Policy was approved by TUS Governing Body on 21 November 2022.

This Policy is subject to review at least every four years and also within six months of the introduction of updates to the National IP Protocol or Code of Governance or any other significant change in national policy or guidance.

All amendments shall be recorded on the revision history section above.

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## 1. INTRODUCTION

### 1.1 General

Technological University of the Shannon: Midlands Midwest (“**TUS**”) is a technological university established under the Technological Universities Act 2018. TUS is committed to achieving and maintaining the highest standards of integrity and conduct in teaching, research, administrative and all other activities that we engage in. We strive to avoid any actual, perceived or potential Conflicts between the interests of TUS and any personal interests of TUS Personnel.

To ensure the highest standards of practice and to maintain the highest integrity of TUS, this Policy sets out the procedures to be followed by TUS Personnel in respect to **actual, perceived or potential Conflicts of Interest**. This Policy seeks to manage Conflicts of Interest in a manner that is fair to all.

TUS recognises that Conflicts of Interest may arise even when an individual acts with complete neutrality and professional integrity. The existence of this policy is not in any way intended to question the integrity of individuals, but is necessary to protect them and TUS from reputational damage or other liabilities.

TUS Personnel must disclose to TUS activities, interests or commitments that may give rise to Conflicts. In most cases the notification of Conflict of Interest may be all that is necessary to fulfil the obligation required under this Policy, depending on the circumstances. However, there may be occasions where intervention by TUS will be required to manage the Conflict of Interest.

Notifications made under this Policy do not replace or substitute any additional declarations of Conflicts that an individual may need to make to third parties or, in the case of persons in a designated position of employment, statements required under the Ethics in Public Office Act 1995 (as outlined in Section 8 of this Policy) - and vice-versa.

This Conflict of Interest Policy is not intended to undermine academic freedom. This Policy is effected without prejudice toward academic freedom.

### 1.2 External Activities

TUS encourages TUS Personnel to engage in external activities, many of which are also of benefit to TUS. On occasion activities may give rise to Conflicts.

Engagement in external activities may give rise to two types of Conflict: Conflicts of Interest, which may affect professional judgment; and conflicts of commitment, which are generally understood as Conflicts which may affect the allocation of time and energy.

A ‘conflict of commitment’ occurs when the commitment to external activities of a staff member adversely affects their capacity to meet TUS responsibilities. This form of

Conflict may be recognised by a perceptible reduction of time and energy devoted by the individual to TUS activities. Conflicts of commitment primarily involve questions of obligation and effort but are often tied to financial remuneration or other inducements and in such cases, they may also constitute a Conflict of Interest. Therefore, the terms 'Conflict' and 'Conflict of Interest' in this Policy should also be read as including conflicts of commitment.

Any external activity engaged in by a Personnel Member must not be such as to interfere with the fulfilling of their duties and responsibility to TUS.

Not every outside activity, interest or commitment will represent a Conflict of Interest but the overarching message is that where there is any uncertainty on the matter the Conflict of Interest should be notified to TUS.

## **2. THIS POLICY**

### **2.1 Purpose**

This Policy sets out TUS's policies and procedures for the notification, management and resolution of Conflicts of Interest.

All TUS Personnel, as defined in Annex 1, are encouraged to use good judgment in protecting themselves and TUS from Conflicts of Interest and are required to report all potential Conflicts of Interest that may arise to TUS.

### **2.2 Application and Scope**

This Policy forms part of the regulations of TUS that govern the conduct of TUS Personnel. This Policy applies to all TUS Personnel. The Policy requires that all individuals must recognise situations in which that person may have a Conflict of Interest. The Conflict of Interest must be disclosed as provided for in section 5.

### **2.3 Declarations of Interest Reporting - Other Reporting Processes**

A number of functional areas in TUS operate specific processes and related forms for the formal declaration of interests in relation to certain activities - indicating a conflict, or the absence of one, prior to engagement, from parties directly involved in these activities.

Examples of these areas / activities include:

- Academic - examinations and assessment;
- Human Resources - shortlisting, interviewing / selection boards;
- Procurement - Tenders; tender opening and tender evaluation panels.

For example, internal and external members of TUS selection boards are required to complete a Confidentiality and Declaration of Interest Form to determine if the member knows an applicant scheduled for interview. TUS also seeks to address conflicts in the

procurement process through appropriate declarations in its tender process and related documents.

Where the above processes exist, and related declaration forms are completed it is not necessary for the individual involved to also complete the Notification of Potential Conflict of Interest Form as provided for in section 5.2 and in Annex 3 of this Policy.

## **2.4 Related Documents**

This Policy is intended to complement the existing policies and procedures of TUS including, in particular, the Code of Governance, the Code of Conduct for Employees, the Code of Conduct for Members of Governing Body, TUS's Intellectual Property Policy, TUS's Ethics Policy for Research, TUS's Research Integrity Policy and TUS's procedures regarding external work.

The Policy should be read in conjunction with the Ethics in Public Office Act 1995, the Standards in Public Office Act 2001, and any related guidelines published by the Standards Commission from time to time. Adherence to this Policy does not absolve TUS Personnel from any obligations they may have under the Acts or any other pertinent legislation.

## **2.5 Definitions**

Unless the context otherwise requires, all capitalised terms used in this Policy have the meaning given to them in Annex 1.

## **2.6 Review of and Changes to this Policy**

This Policy shall be reviewed by TUS at least every four years and also within six months of the introduction of updates to the Code of Governance or National IP Protocol or any other significant change in national policy or guidance and may be amended at any time by TUS in accordance with its normal procedures. Responsibility for initiating the review lies with the Office of Vice President Finance and Corporate Governance.

# **3. CONFLICTS OF INTEREST**

## **3.1 Conflicts of Interest**

As set out above a Conflict of Interest is an actual, a potential or a perceived Conflict of Interest.

A Conflict of Interest arises:

- a) when an individual holds a personal interest, whether direct or indirect, which in the opinion of a reasonably-informed and well-advised person is sufficient to call into question the independence, impartiality and objectivity the individual is

- obliged to exercise in the performance of their duties or there is seen to be an incentive to take certain actions by the individual; and/or
- b) when the commitments, duties, independence and objectivity owed by an individual to TUS are likely to be or may appear to be compromised by a commitment to another body or person (private company; funding body; family member; or a close friend). This includes where the individual may have resulting personal gain or benefit (financial or otherwise) or there may be gain or benefit to a Connected Person (their spouse, civil partner, child of the person or child of their spouse/civil partner); and/ or
  - c) an external activity or commitment compromises an individual's ability to perform all of the activities reasonably expected of them by TUS and/or prevents an individual from devoting the time and energy required to meet their responsibilities at or for TUS.

A Conflict of Interest may be financial or non-financial.

#### **Financial Conflicts**

A financial Conflict of Interest is one, as outlined above, where there is or appears to be an opportunity for personal financial gain or financial gain to a family member or close friend. The financial value is immaterial and financial interest would include anything of monetary value. Any financial interest should be disclosed in accordance with this Policy.

#### **Non-Financial Conflicts**

A non-financial Conflict of Interest may include any kind of benefit or advantage, including any form of career enhancement (direct or otherwise), enhancement of education or similar gain for the individual or to a family member or close friend.

Where there is an appearance of or potential for a Conflict of Interest, even where none arises, the matter should be disclosed. Individuals must consider how a situation may be perceived.

Recognising that it is difficult to anticipate all Conflicts in advance, TUS Personnel are reminded that questions regarding this Conflict of Interest Policy may be made informally and confidentially at any time to the Office of Vice President Finance and Corporate Governance.



## **4. IDENTIFYING CONFLICTS**

### **4.1 Responsibility**

The responsibility for avoiding Conflicts of Interest rests, in the first instance, with each Personnel Member. It is the duty of all persons to whom this Policy applies to disclose any potential or perceived Conflict of Interest.

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

With respect to any actual, perceived or potential Conflicts of Interest relating to research activities and/or the Commercialisation of IP (including through a Spin-Out Company), TUS Personnel are also referred to TUS's IP Policy.

### **4.2 Examples of Conflicts of Interest**

Examples of potential Conflicts of Interest, including examples specific to certain areas within TUS, are set out in Annex 2 to this Policy.

### **4.3 In Case of Doubt**

Where there is doubt as to whether a potential or actual Conflict of Interest exists, the activity, interest or commitment must be reported as set out below.

## **5. REPORTING PROCEDURES**

### **5.1 When to Disclose**

A Conflict of Interest should be reported at the time the Conflict of Interest first arises or the first indication that there may be a perception of a potential for a Conflict.

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 required by TUS from time to time in accordance with its relevant procedures.

## 5.2 Conflict of Interest Notification

With the exception of section 2.3, disclosures must be made by completing the Notification of Potential Conflict of Interest Form, a copy of which is attached hereto at Annex 3, and by providing such additional information and documents as may be reasonably required.

## 5.3 Reporting

The Conflict of Interest should be reported as follows:

- In the case of TUS staff, to their next reporting level as appropriate, that is: Head of Function / Dean of Faculty / Vice President.
- If the Head of Function / Dean of Faculty has an interest in the matter, the Conflict of Interest should be reported to the Vice President of the Function.
- If the Vice President of the Function has an interest in the matter, the Conflict of Interest should be reported to the Vice President Finance and Corporate Governance (or to the President if the Vice President Finance and Corporate Governance has an interest in the matter).
- In the case of a student, they should discuss the potential Conflict of Interest with their Supervisor or Principal Investigator. The student, following discussion with their Supervisor or PI, should complete the Notification of Potential Conflict of Interest Form and submit it to their Dean of Faculty.

### Conflicts Involving Members of Governing Body

The Conflict of Interest should be reported to the Chair of Governing Body and recorded by the Secretary of Governing Body. Where the Chair may have a conflict, they should make a declaration to the Secretary of Governing Body.

### Conflicts Involving the President

The Conflict of Interest should be reported to the Chair of Governing Body and recorded by the Secretary of Governing Body.

### Conflicts Involving External Parties

Conflicts arising for external parties engaging with TUS should be disclosed to the designated TUS point of contact in the first instance. The TUS contact receiving a disclosure should report the conflict onwards to their Dean of Faculty / Head of Function.

## 6. MANAGING A CONFLICT

### 6.1 Managing a Conflict

In many cases, a Notification of the potential Conflict of Interest will be sufficient and no further action will be required.

In some cases there may be a need for TUS to manage the Conflict. The following may be appropriate ways in which to manage the Conflict of Interest but this is not an exhaustive list:

- Abstention from meetings, decisions, or discussions on certain matters;
- Agreeing not to act as a particular student's supervisor or the appointment of a second supervisor;
- Not sitting on an interview panel or disclosure in the Confidentiality and Declaration of Interest Form prior to the interview;
- Referring to others certain matters for decision;
- Standing aside from any project that creates the Conflict of Interest;
- Declaring the Conflict of Interest to a relevant third party (for example a funding body).

Additional measures may include, for example, wider disclosure of the Conflict within or outside of TUS, modification of the intended TUS activity or limitation of the role of the conflicted individual therein, appointment of a monitoring function (such as a second external supervisor), or a requirement to report on the Conflict at set intervals to designated TUS functions.

A Head of Function / Dean of Faculty / Vice President (including Chair/Secretary of Governing Body) who receives a disclosure is responsible for reviewing the case and deciding on an appropriate course of action to manage the potential Conflict as per this Policy.

Decisions taken may include mitigating measures or a decision that no further action is required. Where a Conflict of Interest is deemed to be serious, it may be necessary for the Personnel Member concerned to discontinue a conflicting activity or commitment.

Where an unmanageable Conflict involves an external party, engagement of this individual must not proceed, or must cease if the Conflict is identified during an ongoing commitment. In the latter case, it may be necessary to review the overall arrangements for the activity in order to contain any risk arising from the past involvement of the contributor.

Where advice or recommendations received in relation to a given Conflict (from the Head of Function / Dean of Faculty / Vice President) are adhered to then there will be no further TUS accountability to that person; this is subject to full disclosure of the

Conflict. It should be noted that this does not remove any external obligations such as legal actions outside of TUS.

A Head of Function / Dean of Faculty / Vice President may take a decision regarding management of the Conflict and/or may in turn refer the disclosure onwards to the appropriate TUS function/board for its information or for its input or decision. Disclosures will be referred onwards with all due regard for the professional and personal integrity of all involved and the rights of the individual regarding privacy and confidentiality of personal information.

In the event that a Conflict cannot be adequately resolved at Faculty/Function level it should be referred to the President, who has the authority to issue binding instructions with regard to the management of the Conflict. The decision of the President shall be final notwithstanding the option of staff to avail of TUS's grievance procedures.

## **6.2 Conflicts Register**

A Head of Function / Dean of Faculty / Vice President who receives a Conflict of Interest Notification is responsible for ensuring that the Conflict and the measures taken are recorded in TUS's Conflicts Register.

Where a case is referred onwards to another TUS function or where subsequent developments change the circumstances of the case, an update should be added to the relevant entry in the Conflicts Register by the member of TUS who has taken the final decision on the management of the Conflict.

The Conflicts Register will be held confidentially by the Office of Vice President Finance and Corporate Governance.

Conflict of Interest Notifications, with details as to how the Conflict was dealt with and resolved, will be recorded in TUS's Conflicts Register as set out in Annex 5.

Any Conflict of Interest notified must be updated as new information becomes available which could affect the previously notified Conflict.

Where a Conflict of Interest Notification concerns IP or externally funded projects, the Office of Vice President Finance and Corporate Governance will inform the IP Committee of the Notification and the actions agreed.

The Conflicts Register will be reviewed at regular intervals by the Vice President Finance and Corporate Governance and an anonymised annual report including a summary (number and type) of all potential Conflicts will be provided to Governing Body. This anonymised report will have due regard to TUS's obligations under Data Protection legislation and TUS's Data Protection policies.

## **7. RESEARCH AND COMMERCIALISATION**

### **7.1 Research and Commercialisation**

From an ethical, integrity and reputational perspective, it is very important to TUS to manage Conflicts of Interest in the context of research and Commercialisation.

In the context of research and/or Commercialisation activities, the circumstances in which a Conflict of Interest occurs include 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:

- (i) influence the design or conduct of research or the publication or use of research results; or
- (ii) realise inappropriate personal gain, directly or indirectly, from the use of public grant funds or other resources.

Activities being undertaken by a Personnel Member under one or more grant-funded programmes of research or other collaborations or as part of their permitted external activities from time to time, might present an actual or potential Conflict of Interest.

In the context of research activities undertaken (or intended to be undertaken) by a Personnel Member and/or the Commercialisation of any resulting, or other, IP, the Personnel Member must make a Notification if they have any personal interest in relation to a proposed sponsor / collaborator or investor or any joint venture, company or party who may be granted certain rights or licences by TUS to commercialise TUS IP.

TUS Personnel are referred to TUS's IP Policy which sets out examples of actual and potential Conflicts of Interest which may arise in research and/or Commercialisation activities.

## **8. EXTERNAL WORK**

### **8.1 External Work**

TUS's external work procedures are designed to ensure TUS is aware of outside work commitments that may affect a TUS staff member's ability to do their job in TUS, and also to manage any risk of non-compliance with legislation, such as the Organisation of Working Time Act 1997, and relevant policies, such as public sector rules re multiple sources of publicly funded pay.

External work does not create a conflict in of itself, but has the potential to. TUS acknowledges that not all staff are on full time contracts and may have to balance commitments for a number of organisations. However, to ensure that TUS is protected TUS needs to have visibility of the total commitment of its staff members.

All staff of TUS are obliged to declare and apply annually for authorisation to engage in any external employment, self-employment, working partnerships or consultancy work by submitting an **Application for Authorisation to Engage in External Work** form (Annex 4) to the Human Resources Office.

The Application for Authorisation to Engage in External Work must be signed by the applicant staff member's next reporting level as appropriate, that is Head of Function / Dean of Faculty / Vice President, before submitting the Application to the Human Resources Office.

This is in addition to the obligations to declare Conflicts as set out in this Policy.

For clarity, Authorisation to Engage in External Work must be applied for in all instances, but only where the external work leads to an actual, perceived or potential Conflict of Interest will the obligation to report a Conflict apply (using a Notification of Potential Conflict of Interest Form).

A Head of Department/Function or the Human Resources Office may share the application with an appropriate TUS function/board. Applications will be referred onwards with all due regard for the professional and personal integrity of all involved and the rights of the individual regarding privacy and confidentiality of personal information.

An External Work Register is maintained by the Human Resources Office.

The Human Resources Office circulates notifications to TUS staff about External Work annually.

Failure by TUS staff to comply with TUS's external work provisions may lead to TUS invoking its Disciplinary Procedure in relation to the matter.

## **8.2 Ownership of a Company or Enterprise**

A staff member seeking permission, under section 8.1, to become involved in the ownership or control of a company or commercial enterprise, including a farm (e.g. as an executive and/or director), must disclose the extent of their time commitment and the nature and volume of any transactions between TUS and the company or enterprise.

## **8.3 Nomination to an External Position by TUS**

Taking up of external positions on the nomination of TUS, such as directorships on boards, does not require external work approval, as TUS will be aware of such work. However, any such nominations etc. should be made through the Office of Vice President Finance and Corporate Governance, where a record of them will be kept. Any individual taking up such a nomination must still have regard to this Conflict of Interest Policy when acting in their nominated capacity, and disclose any Conflicts as they arise in that context.

## 9. TUS STAFF IN DESIGNATED POSITIONS OF EMPLOYMENT

### 9.1 Annual Statement of Interests

Under Section 18 of the Ethics in Public Office Act 1995, TUS staff members occupying a designated position of employment (as prescribed by regulations made by the Minister for Public Expenditure and Reform) are required to submit a Statement of Interests annually (in a form determined by the Minister for Public Expenditure and Reform) to TUS (the relevant authority).

An annual Statement of Interests is required where a person (or their spouse, civil partner, child of the person or child of their spouse/civil partner) has a registrable interest which could materially influence the person in or in relation to the performance of the functions of their employment by reason of the fact that such performance could so affect those interests as to confer on or withhold from him/her or their spouse etc. a substantial benefit.

Where a designated employee considers that s/he (or their spouse/civil partner/children etc.) has/have no interest(s) which could be a material influence on the performance of the functions of their position, a Statement of 'Nil' Interests must be submitted.

The Office of Vice President Finance and Corporate Governance circulates notifications to staff in designated positions of employment about Statement of Interests annually and completed Statements are required to be submitted to the Office of Vice President Finance and Corporate Governance.

### 9.2 Statement of a Material Interest

*In any case where a function of a designated position of employment falls to be performed and the occupier of a designated position of employment has actual knowledge that they or a connected person within the meaning of the Ethics in Public Office Act 1995 and section 97 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 has a material interest in a matter to which the function relates, they shall prepare and furnish to the relevant authority for the position a statement in writing of those facts and shall not perform the function unless there are compelling reasons requiring them to do so. If the occupier of a designated position of employment proposes to perform the function, they shall prepare and furnish to the relevant authority for the position a statement in writing of the compelling reasons aforesaid.*

The requirements set out in this paragraph 9.2 apply whether or not an interest has been disclosed in an Annual Statement of Interests (referred to in paragraph 9.1 above).

Statements of a Material Interest should be submitted to the Office of Vice President Finance and Corporate Governance.

## **10. OBLIGATIONS**

### **10.1 Non-Disclosure of Conflict**

In the event that there is a non or partial disclosure of a Conflict of Interest by staff, TUS reserves the right to invoke its Disciplinary Procedure in relation to the matter. A failure by a member of Governing Body to disclose a Conflict of Interest may be deemed a breach of the Code of Conduct for Members of Governing Body and the Code of Governance.

### **10.2 Confidentiality and Freedom of Information**

Conflict of Interest Notifications may be subject to disclosure under Freedom of Information.

All Conflict of Interest Notifications including related actions will be held in confidence to the maximum extent permissible but shall be saved into the Conflicts Register.

Any personal data shall be held and maintained in accordance with data protection requirements, including applicable data protection laws, and TUS's Data Protection policies.

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

In any case affecting a partially or wholly State funded research programme, TUS 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.

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

All notified Conflicts, including written records of how the Conflicts were dealt with and resolved, will be entered to the Conflicts Register maintained by the Office of Vice President Finance and Corporate Governance.

All records will be retained for a period of at least seven (7) years from the date of Notification. Without limiting TUS's obligation to treat and maintain confidentially all disclosures made pursuant to this Policy, the Conflicts Register and any and all disclosures may be subject to internal audit from time to time in accordance with TUS's relevant procedures and Data Protection Policies.

### **10.5 Governing Body**

An anonymised summary of all potential Conflicts of Interest will be reported to TUS's Governing Body annually by the Vice President Finance and Corporate Governance, with annual review of existing management mechanisms for same. Evidence of this annual reporting and review will be made available to the Higher Education Authority, on request.



## **11. ADMINISTRATION OF THIS POLICY**

### **11.1 Responsibility**

In TUS, the responsibility for the implementation and administration of this Policy rests with the Office of Vice President Finance and Corporate Governance.

### **11.2 Contact Information**

Any queries regarding this Policy should be directed to the Office of Vice President Finance and Corporate Governance.

## ANNEX 1 - DEFINITIONS

In this Policy, the following expressions will have the following meanings, unless the context otherwise requires or otherwise defined therein.

**“Commercialisation”** means using Intellectual Property to create or develop a commercial activity.

**“Conflict(s) of Interest”/“Conflict(s)”** means an actual, perceived or potential Conflict where the personal interests of a person may be in Conflict (or perceived to be in Conflict) with the interests of Technological University of the Shannon: Midlands Midwest (TUS).

**“Connected Person(s)”** 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.

**“TUS”** means Technological University of the Shannon: Midlands Midwest, a technological university established under the Technological Universities Act 2018.

**“TUS Personnel”** means any and all persons who:

- (a) are employed or engaged as a member of staff of TUS;
- (b) are a member of TUS’s Governing Body;
- (c) are registered postgraduate students of TUS;
- (d) are engaged by TUS as a non-employee, including but not limited to visiting academics, consultants and contractors; and/or
- (e) otherwise fall within the scope of and are subject to TUS’s IP Policy.

**“Intellectual Property”** or **“IP”** 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.

**“Intellectual Property Policy”** or **“IP Policy”** means the Intellectual Property Policy of TUS in force from time to time (and any subsequent amendments made to it).

**“IP Committee”** shall mean the IP Committee of TUS as from time to time constituted pursuant to and in accordance with the IP Policy.

**“National IP Protocol”** 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 “*A Framework for Successful Research Commercialisation*” (March 2019) and any valid amendments or supplements thereto.

**“Personnel Member”** means a member of TUS Personnel.

**“Policy”** means this Conflict of Interest Policy (and any subsequent amendments made to it).

**“Reportable Financial or Personal Interests”** means where a Personnel Member and/or their Connected Persons has or have a financial, personal or other beneficial interest in or to, or material to:

- (a) the design, conduct or reporting any research activities undertaken, or intended to be undertaken by TUS;
- (b) the Commercialisation of any IP 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 TUS to the Personnel Member while employed or engaged by TUS.

## ANNEX 2 - EXAMPLES OF POTENTIAL CONFLICTS OF INTEREST

The following examples of potential Conflicts of Interest are for illustration only and are not intended as an exhaustive list.

- (a) A staff member is tasked with ranking tenders for paint supplies. The range supplied by one tenderer includes paints produced by a company whose sales manager is the staff member's relative.
- (b) An invigilator is rostered for an exam undertaken by a relative.
- (c) The director of a regional company, an expert in their field, is proposed as the industry panellist on a new programme validation panel. The spouse of the proposed panellist, who does not bear the same last name, is a member of the proposing programme team, albeit they did not play a major role in drafting the programme proposal.
- (d) An external academic on a validation panel for a novel programme is aware that a comparable programme is being finalised at their own institution. The market will easily sustain both new programmes, but the academic's home department would gain a reputational boost from being the first to launch a programme in this novel area.
- (e) An individual taking part in the negotiation of a contract between TUS and a company, where the individual or their family or a close personal friend has a financial or non-financial interest (e.g. a directorship) in that company.
- (f) Where a decision is being made on distribution of equity in a spin-out company between TUS and the creator, but the creator is part of the normal decision-making process for spin-out approval.
- (g) The External Examiner for a specific module or a group of modules within a subject stream (such as a language) should not be in a family or other close relationship with any member of the module staff, the Faculty sponsoring the module(s), or any external organisation contributing significantly to delivery of the relevant modules (e.g. by offering work placements).
- (h) For the examination of industry-based student projects industry based external examiners should not be drawn from competitor companies.
- (i) A Research Examiner should not be in a family or other close relationship with the candidate, any member of the candidate's graduate supervisory panel, or any member of the department or research unit sponsoring or substantially contributing to the research programme.

## ANNEX 3 - NOTIFICATION OF POTENTIAL CONFLICT OF INTEREST TECHNOLOGICAL UNIVERSITY OF THE SHANNON

The purpose of this form is to notify and record any Conflict of Interest.

### Completing the Form

- Please read TUS's Conflict of Interest Policy before completing this form (available on the TUS website or from the Office of Vice President Finance and Corporate Governance).
- The form should be completed by the individual making the Notification related to a perceived or actual Conflict of Interest, to include the individual's proposals to manage any Conflict.
- The individual should sign and send the form to their Head of Function / Dean of Faculty / Vice President, as appropriate.
- The Head of Function / Dean of Faculty / Vice President will review the form and may decide that no Conflict (actual, perceived or potential) arises, or if such a Conflict does arise, the steps that will be taken to manage it.
- The Head of Function / Dean of Faculty / Vice President will then send a copy of the form to the Office of Vice President Finance and Corporate Governance for recording on the Conflicts Register.
- Any decision made in the management of a particular Conflict (see section 6.1) will remain valid for 3 years, at which point it should be renewed. The individual with the Conflict is responsible for initiating the renewal process.
- If the approval has not been secured prior to the renewal date, approval will be deemed to have lapsed.
- If there is a material change in circumstances related to a notified Conflict during the 3 year approval period, the individual should submit a further version of this form to obtain approval for the revised circumstances.

### Individual Details

Name	
Staff Number / Student Number	
Job Title	
Faculty / Function	
Head of Function / Dean of Faculty / Vice President	

### General Details

Is this a new request or a request to renew/update a previous approval granted in accordance with the TUS's Conflict of Interest Policy? Please mark X as applicable.

New Notification	
Revised/Renewed Decl.	

If this is a revised/renewal declaration, complete the following table.

Date of First Notification	
Date of Last Approval	

### Details of Conflict

Describe in full Conflict (actual, perceived or potential), including the possible risks to both you and TUS as you see them. Should you have questions related to the Conflict of Interest, please seek guidance from your Head of Function / Dean of Faculty / Vice President.

How do you propose to manage the Conflict?

### Individual Declaration

In forwarding this completed form to my Head of Function / Dean of Faculty / Vice President for approval, I confirm that:

- The information above is correct;
- I have read the Conflict of Interest Policy; I understand it; I comply with it and I will continue to comply with it;
- I will provide an updated request form if the situation changes materially regarding either my role or the Conflict.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Individual Declarant)*



**ANNEX 4 - APPLICATION FOR AUTHORIZATION TO ENGAGE IN EXTERNAL WORK  
TECHNOLOGICAL UNIVERSITY OF THE SHANNON**

Name: \_\_\_\_\_ Department: \_\_\_\_\_

New Activity:

Renewal:

Nature of Proposed Activity

External Employment:  Name of Employer: \_\_\_\_\_

Working partnership:  Nature of Partnership: \_\_\_\_\_

Self Employed / Consultancy:  Nature of Work: \_\_\_\_\_

Other:  Please specify: \_\_\_\_\_

**Give full details of the nature, extent and content of proposed external activity:**

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

Expected Duration: \_\_\_\_\_

Time Commitment: Weekly:  Monthly:   
(Indicate numbers of hours)

Have you read TUS's Conflict of Interest Policy?

Yes  No

Is a Notification of Potential Conflict of Interest (to include conflict of commitment) (ANNEX 3) required?

Yes  No

I declare that the information given above is a true and fair reflection of my proposed external activity.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Approval: Yes  No

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Head of Department / Unit

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Vice President People, Culture and EDI



## ANNEX 5 - CONFLICTS REGISTER

### TECHNOLOGICAL UNIVERSITY OF THE SHANNON

Conflict Number (Year/No)	Individual Declarant	Recipient of Notification / Approver	Details of Conflict	Steps Taken to Manage	Dates Covered / Approval Period	Further Comments	Refer to IP Committee Y/N

## CONSULTATION AND COMMUNICATION PLAN DETAIL

Please complete the relevant information below:

### IDENTIFIED NEED:

Conflict of Interest Policy required for TUS (including under HEA guidance 2018 and Ireland's National IP Protocol 2019). **Policy Developer** - Director of Innovation and Enterprise; **Policy Owner** - Vice President Finance & Corporate Governance.

### STAKEHOLDERS:

Staff, Students (undergraduate and postgraduate), and relevant external parties.

### PROPOSED TIMELINE FOR CONSULTATION:

W/c 10<sup>th</sup> October 2022 to 11<sup>th</sup> November 2022.

### POLICY REVIEW AND CONSULTATION GROUP COMPOSITION

Policy Developer - Director of Innovation and Enterprise, Policy Owner - Vice President Finance & Corporate Governance; Vice President Research, Development & Innovation; Dean Faculty of Engineering & Informatics; Dean Faculty of Applied Sciences & Technology; Vice President People, Culture & EDI.

### PROPOSED TIMELINE FROM DRAFT TO IMPLEMENTATION:

- Meeting of Consultation Group to review draft Col Policy on 25<sup>th</sup> October 2022. Following updates, a final draft was circulated to Group on 2<sup>nd</sup> November 2022.
- Policy circulated to Joint VP and Deans Council for noting and information purposes.
- Policy reviewed at meeting of ARC on 8<sup>th</sup> November 2022.
- Meeting of Governing Body on 21<sup>st</sup> November 2022.

### BEST PRACTICE REFERENCES:

N/A

### LEGISLATIVE REQUIREMENTS / REFERENCES:

In May 2018, the HEA wrote to all HEIs outlining the need to have a dedicated Conflict of Interest Policy. In the National IP Protocol, published in March 2019, National IP Management Requirement 9 deals with managing conflicts of interest.

### APPROVING COMMITTEE/S:

Review and Recommendation - TUS Audit & Risk Committee  
Final Approval - Governing Body

**PUBLICATION AND INFORMATION PLAN:**

TUS Website; Staff Portal; Student Portal. Information sessions/workshops with staff and students.

**MONITOR AND REVIEW PROPOSAL:**

- Scheduled for review in November 2024
- Within six months of the introduction of updates to the National IP Protocol or Code of Governance or any other significant change in national policy or guidance. In line with HEA guidance (2018) and the National IP Protocol (2019) in relation to IP Policies