

POLICY OF CONFLICT OF INTEREST AND
INTELLECTUAL PROPERTY RIGHTS



Prepared by:
Dr. Muhammad Yasir
Chairman
Department of Management Sciences
Hazara University, Mansehra

Mr. Shahbaz ur Rehman
Lecturer, Department of Management Sciences

Mr. Qasim Shahzad
Deputy Controller of Examinations

1. Purpose of the Policy

The purpose of this policy is to manage the conflicts of interests to minimize both the appearance of an effect on the judgment of our staff and faculty of the potential harm that could result from any conflict of interest that impaired their judgment. The objective is that the staff and faculty should follow their obligations in an environment that is free of improper influence. Further, it marks that the members may be aware and take such steps to avoid actual, apparent and potential conflict of interest. Based on these concerns the University is adopting the following statement of policy for faculty, staff, officers and others working on its behalf to avoid ethical, financial, legal or other conflicts.

The policy is effective as follows:

- a. Disclosure of outside activities and interests to designated University officers, including financial interests, that might give rise to conflicts; and
- b. Readily available advice and counsel to individuals and to University Department heads on any situation.

2. Guiding Principle

Hazara University seeks to promote objectivity and professionalism in the behaviors of its employees (faculty and non-faculty) in fulfilling their professional obligations by establishing standards that provide a reasonable expectation that the design, conduct and reporting of stated professional obligations will be free from bias resulting from financial or other personal interests.

3. Scope

This policy will apply to all Hazara University faculty and non-faculty and all those employees associated with the University in contractual obligations. This policy applies to all situations where the employees (faculty and non-faculty) personal interests appear to or influence the non-partial execution of his/her professional duties.

4. Definition of Conflict of Interest

As conflicts may arise in various situations and circumstance, it is difficult to give one single definition of conflict of interest. However the following definition may be followed:

'a conflict between the official responsibilities of a person in a position of trust and any other interests the particular individual may have, e.g. where the individual could be seen to be influencing University matters for actual or potential personal benefit, or seeking such a gain at the expense of the University.'

5. Recognizing Conflict of Interest

The conflict of interest may arise in situations where financial or other personal or professional considerations compromise an individual's professional judgment and ability to perform his or her professional responsibilities like administration, management, instruction, research and other professional activities to the University. However the main categories of conflict of interest are as follows:

5.1. Conflict of Educational Mission

The primary objective of the university is to educate and train students. Employees who are involved in educating, training and supervising the educational work of students should be appropriate to the student. For example, it is to be ensured that the choice of the students' research project is not and does not appear to be influenced by the financial interest of the supervisor.

5.2. Conflict of Research Integrity

The university should maintain the highest standard in the conduction and dissemination of research. In this case, the complete, objective and timely dissemination of new findings through publication is vital for keeping the research integrity. Further, the chance of personal gain should not influence nor appear to influence the choice of research project, design, interpretation of results and reporting of data.

5.3. Conflict of Financial Interest

The employees (faculty and non-faculty) have a responsibility to promote the financial interest and welfare of the university. The employees should ensure that the university gets the

appropriate financial benefits from the provision of research and consultancy among other services conducted through the university. Further, the university should get appropriate financial compensation from the use of its intellectual property for commercialization and other assets like equipment, technical staff and facilities. Finally, the employees should be using the financial resources of the university with regards to the financial regulations of the university.

5.4. Conflicts of Commitment and Loyalty

The employees (faculty and non-faculty) of the university have their allegiances and commitments to the university first. Whereas an external commitment and appointment is allowed by the university, this does not absolve the employee from ensuring that he or she continues to give their primary allegiances to the University.

6. Guidelines on managing Conflict of Interest

In order to avoid and manage the various conflicts of interests as such the following guidelines are available:

- a. Any action or interest that may be considered as a conflict of interest should be disclosed where requested and acted upon as appropriate. Full disclosure demonstrates good faith on part of the employees and protects their reputation on that university.
- b. Full disclosure should be followed by aggressive monitoring and conflict management is the key to preventing and resolving conflict situations.
- c. Disclosure will not necessarily restrict employee activities. Rather, some behaviors which may appear questionable at first may be permissible when all facts are examined.

7. Process of Managing Conflict of Interest

The following process will be followed for managing conflict of interest:

- a. The general rule is that disclosure should be made at the time when the conflict arises or is perceived to arise, in writing.
- b. The reporting mechanism for disclosure begins with faculty's Departmental head and through them to the Deans of the Faculty. If the Dean considers it actionable, the case shall be forwarded to the registrar.
- c. In case of non-faculty the immediate reporting should be to the Department head and subsequently to the registrar.
- d. In case of multiple reporting responsibilities the disclosure shall be reported to primary Head of Department.
- e. A disclosure of interest shall be recorded in the minutes note for record or other appropriate record-keeping documents and member concerned will not take part nor be present in any deliberation or decision making process of the Board or the Committee and shall be disregarded for the purpose of constitution of a quorum of the Board or the Committee.
- f. In all cases, disclosures and their outcomes shall be noted. If a real conflict of interest emerges, it shall be noted on the individual's personal file.
- g. Compliance with this Policy is compulsory. A staff member who fails to comply may be subject to disciplinary action under the Disciplinary Policy, depending upon the severity of non-compliance. Failure to comply may be viewed as gross misconduct and the member of staff involved may be subject to disciplinary action.

8. Violations of Conflict of Interest (COI) Policy

Where a conflict of interest was not disclosed by the member before the transaction took place, the issue should be brought to the notice of the management that can take the following routes:

- a. If the management has a reasonable cause to believe that a person has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for such belief and the person may be given an opportunity to explain the alleged failure to disclose.
- b. After hearing the response of the interested person and making further investigation as may be warranted in the circumstances, the management will determine that the person has in fact failed to disclose an actual or possible conflict of interest; it will initiate appropriate disciplinary and corrective action. This action may include, but is not limited to issuance of a warning, financial penalty or termination.